

KREBS DECL. EXHIBIT 1

UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF NEW YORK

ROY DEN HOLLANDER,

Plaintiff,

v.

DEBORAH SWINDELLS DONOVAN,
PAUL W. STEINBERG, and
JANE DOE,

Defendants.

Civil Action

08

4045

BLACK, J.

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ OCT 03 2008 ★

BROOKLYN OFFICE

COMPLAINT FOR COPYRIGHT INFRINGEMENT

The plaintiff alleges as follows:

Parties, Jurisdiction and Venue

1. The plaintiff is a resident of New York County, citizen of the United States, and does business in all five counties of New York City as a business consultant and attorney.
2. The plaintiff created six essays ("the six essays") of wholly original material that are registered in accordance with the Copyright Act of 1976 either individually or as part of a larger work.
3. The plaintiff is the sole owner of all rights in the six essays.
4. Defendant Donovan is an attorney residing in Nassau County, New York and practices her profession in the Eastern District of New York and the Southern District.
5. Defendant Steinberg is an attorney residing in New York County and practices in New York City, which includes, on information and belief, the Eastern District of New York.
6. On information and belief, defendants Donovan and Steinberg copied the original six essays through unauthorized access of the plaintiff's personal computer, which is connected to the internet and used, in part, for interstate communication and business, or through unauthorized access of an internet computer engaged in interstate commerce and communication, or they obtained the unauthorized copies from some unknown third person: Jane Doe.
7. The Court has subject matter jurisdiction under 28 U.S.C. § 1338(a) because this action arises under the Copyright Act of 1976, 17 U.S.C. § 101 et seq.

8. The Court has personal jurisdiction because defendants Donovan and Steinberg reside in New York State and their acts of infringement took place in New York State, and, on information and belief, defendant Jane Doe also resides in New York State and her acts of infringement took place in the State.

9. The Court has venue under 28 U.S.C. § 1391(b)(1) because defendant Donovan resides in Nassau County, New York, and all the defendants reside in New York State.

Infringement Under 17 U.S.C. § 501

10. On October 24, 2007, Defendant Donovan filed a virtually identical copy of the original copyrighted essay Different Time on the Electronic Case Filing System ("ECF") of the U.S. District Court for the Southern District of New York as an exhibit in opposition to a recusal motion in a civil rights case, Docket No. 07 CV 05873, in which defendant Donovan represents a nightclub that allegedly discriminated against men. Exhibit A, p. 4, copy filed by Donovan.

11. Defendant Donovan also filed virtually identical copies of five other essays by the plaintiff, but at the time of her filing, those five essays had not yet been registered with the U.S. Copyright Office. Exhibit A, copies of all essays filed by Donovan.

12. In preparation for uploading and actually uploading the copyrighted Different Time essay into ECF, defendant Donovan, without authorization by the plaintiff, copied, distributed, published and displayed the essay created by the plaintiff.

13. Defendant Donovan knew or should have known that she was infringing or was acting with reckless disregard of the high probability that she was infringing because she stated, under penalty of perjury in her ECF court filing, that the Different Time essay, as well as the other five essays, were created by the plaintiff. Exhibit B, Excerpt from Donovan's Declaration to which the essays were attached as an exhibit.

14. By filing the unauthorized copy in ECF, defendant Donovan maliciously made the essay available to the general public through PACER (the Public Access to Court Electronic System) at a cost of \$.08 a page and through the U.S. Southern District Court's Records department at a cost of \$.35 a page.

15. Since the copying fees provide support to the federal courts in which defendant Donovan makes her living, the copying fees, which are essentially sales, will accrue, somewhat, to her benefit.

16. The unauthorized copy of the essay filed by Donovan has telltale markings of C, and TM in a number of places. These marks and spacing are the only differences between Donovan's unauthorized copy and the original created by the plaintiff, which is attached as Exhibit C.

17. On information and belief, some time after the effective date of registration of the five other essays, defendant Donovan made tangible copies of those five essays and of the Different

Time essay and distributed those copies to defendant Steinberg. The five other essays are: Two Sides, An Invisible Weapon, Do Men Cause the Wars?, Some Differences, and Fear Corrupts. Exhibit D.

18. On December 18, 2007 in a nuisance action in the N.Y. State Supreme Court, 102057-2007 and again on December 19, 2007 in a defamation action in the N.Y.C. Civil Court, 021283 CV 06, defendant Steinberg filed virtually identical copies of the plaintiff's six copyrighted essays as exhibits in opposition papers. Exhibit E and Exhibit F.

19. In preparation to file and by actually filing the six copyrighted essays, defendant Steinberg, without authorization by the plaintiff, copied, distributed, published and displayed the six copyrighted essays created by the plaintiff.

20. Defendant Steinberg knew or should have known that he was infringing or was acting with reckless disregard of the high probability that he was infringing because defendant Steinberg affirmed under penalty of perjury in his court filings that all the essays were created by the plaintiff.

21. By filing the unauthorized copies with the N.Y.S. Supreme Court and the N.Y.C. Civil Court, defendant Steinberg maliciously made the copies available to the general public at a cost of \$.35 a page.

22. Since the copying fees provide support to the Supreme and Civil Courts in which defendant Steinberg makes part of his living, the copying fees, which are essentially sales, will accrue, somewhat, to his benefit.

23. The unauthorized copies filed by Steinberg are identical to those filed by defendant Donovan, right down to the telltale markings: A, C, and TM, and the spacing. Exhibit A. Those marks and the spacing are the only differences between Steinberg's copies and the originals created by the plaintiff, Exhibits C & D.

24. On information and belief, defendant Jane Doe, without authorization by the plaintiff, copied and distributed the six essays created by the plaintiff when she knew or should have known that she was infringing or was acting with reckless disregard of the high probability that she was infringing.

25. On information and belief, defendant Jane Doe distributed unauthorized copies of the six essays to defendant Donovan for a price.

Relief Sought

WHEREFORE, the plaintiff requests:

26. Defendants Donovan, Steinberg, Jane Doe and all persons acting in concert with them be enjoined during the pendency of this action and permanently from infringing the copyright of the

plaintiff in any manner, and from copying, distributing, publishing or displaying any of the six essays.

27. The defendants be required to deliver up to be impounded during the pendency of this action all copies of the six essays in their possession or under their control.

28. Statutory damages under 17 U.S.C. § 504(a)(2) in the amount of \$10,000 per essay from defendant Donovan for her willful infringement of the plaintiff's copyrights.

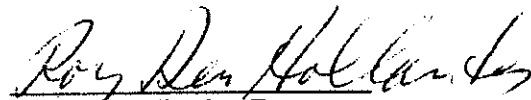
29. Statutory damages of \$10,000 per essay from defendant Steinberg for his willful infringement of the plaintiff's copyrights.

30. Statutory damages of \$10,000 per essay from Jane Doe for her willful infringement of the plaintiff's copyrights.

31. That under 17 U.S.C. § 505, the defendants pay the plaintiff's full costs for bring this action and reasonable attorney's fees.

32. And such other and further relief as is just.

Dated: October 1, 2008
New York, N.Y.



Roy Den Hollander, Esq.
Attorney and plaintiff
545 East 14 Street, 10D
New York, N.Y. 10009
(917) 687-0652

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EXHIBIT "A"

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Saturday, September 02, 2006 11:56 AMFear Corrupts

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The purpose of the Feminist Movement is not equality, justice or freedom, but power—power over men. Virtually every female lives with a never-ending fear that just about any man has the physical power to do with her as he wishes. He can beat her up, rape or kill her with his bare hands, providing no one else is present to prevent it. She does, however, have recourse to the courts, and if she is dead, the prosecutor will try to avenge her, but when a female faces a man in a situation of imminent physical violence, she's powerless.

This lack of power to protect their own beings has driven many females to an uncontrollable fury and madness that has spawned a slithering, insidious, malicious obsession to control men totally by gutting their freedom of thought and speech and relegating them to the non-human status of beasts.

Feminists, or more appropriately Feminazis, use well-proven totalitarian tricks to reach this end. They propagandize their goal as liberation of all females, but in reality they aim to warp society's institutions into a big sister that relentlessly attacks, humiliates and demoralizes men.

The Feminazis profess their aim is to raise the consciousness of men and females, but they are actually carrying out a campaign of indoctrination and social pressure by assuming the role of scolding mothers or shrews. Their true goal is to domesticate men into sheepish little boys who will blindly obey their self-righteous, hypocritical and bigoted whims.

Having tasted social power, the Feminazis will not stop until they reshape America and eventually the world into an intolerant hell complete with thought-control, inquisitions, intimidation, enslavement and, as one Feminazi priestess advocated, a reduction in the male population to 10%. Perhaps the reduced male population will be kept in protective hamlets surrounded by armed guards and barbed wire where females can safely pick out their pleasure for the night and where females' fears remain entombed.

posted by admin with 0 CommentsSaturday, August 12, 2006 12:43 PMTwo Sides

© Roy Den Hollander, 2006

When I worked for Metromedia TV News, now Fox News, there was only one way out of the newsroom and above that door was a sign: "Each story has two sides—make sure you get both." That maxim is no longer followed by the effete, eastern intellectual, white trash, elitist media.

Today, the fifth estate kowtows to the current, political-correctionalist propaganda of depicting females as victims and men as oppressors. The news media and Hollywood portray the role of wife as dreadful and that of the husband as enviable. As with other superficially, politically naive analyses, the Feminazi infested media often fails to look beyond its members own biased beliefs to the reality of being a husband in feminarchoy America

Everyday the husband leaves the house and children to trade 8, 10 or 12 hours of his life for the means to provide for his wife and offspring. Beyond food and housing, he must satiate her voracious appetite for material goods in her Sisyphean effort to keep up with Mrs. Jones; assuage her relentless vanity with expensive jewelry, perfumes, clothes and cosmetics; appease with social status her vindictive, vitriolic ranting as age lines her face; satisfy junior's whining for a new toy, bicycle or car; and fulfill his daughter's limitless greed for MTV hyped products.

At work, the husband must win out over others or jeopardize the means of satisfying his insatiable dependents. Job stress is an ever-present companion that contributes to the seven years shorter life span men have as compared to dames. Many husbands, however, do not have to worry about stress, because

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their assigned role as serfs to princesses lands them in jobs that kill before stress has a chance to even raise their blood pressure. In the ten most hazardous jobs in America, over 90 percent of the workers are men. Every year industrial accidents kill twelve times more men than girls.

When an unfriendly nation decides to invade a husband's homeland, he, not his wife, will be drafted. The husband will go fight in order to protect his family and their way of life. In the twentieth century, 99 percent of the soldiers killed in wars were men. Perhaps death is the easy way for men to survive a war. Of the over two million young American men who served in Vietnam, approximately 800,000 suffer from post-traumatic stress syndrome. I wonder if any of these guys would have traded washing dishes for the hell they went through and are still suffering from.

In an emergency situation, females, including wives, and children are rescued first while men, including husbands, wait, hoping the grim reaper's scythe swings slowly enough for them to escape.

When the bottom of the economy falls out, the main provider of a family, usually the husband loses his job, which requires the family to seek government assistance. Some welfare programs require the husband to leave his home before the wife and children can receive support. As a result, the wife still has her children and a roof over her head while the husband walks the indifferent streets alone. Approximately 90 percent of America's three million homeless are men—not a few because of lost jobs stolen by broads.

At the other end of the economic scale where both husband and wife have well paying jobs, government and private support groups' discrimination against men has virtually no effect. But a form of male discrimination still exists. When the wife has a child, she often has the option to leave work to raise the child, to work part-time or return to work full-time. The husband also has three options: to continue working, to continue working and to continue working.

Finally, the burdens foisted on husbands and all men by this wo - man's nation cause men to commit suicide five times more often than females. For example, the Vietnam War killed around 58,000 young men; since that war's end, over 58,000 men who served in Vietnam have committed suicide.

When the Feminazis ask, "My God, who would want to be a wife?" Given the alternative—many.
 posted by [admin](#) with [1 Comments](#)
Saturday, August 12, 2006 12:25 PM
An Invisible Weapon
 © Roy Den Hollander, 2006

Physical violence mainly injures the body while emotional distress scars the mind. Contemporary feminazi groups and the political-correctionalist media and politicians incessantly depict husbands and boyfriends as brutal batterers of their innocent, defenseless wives and concubines. Trendy beliefs claim that a large percentage of America's 50% divorce rate results from the genetically programmed physical violence of men against females. The media, populace and politicians, however, ignore the incapacitating violence of emotional distress that wives and girls batter their beaus with day after day, year after year, which ends in a divorce, early grave for the husband or lawsuit against the man. Females intentionally or recklessly inflict emotional pain on a man with words, intonation of voice, facial demeanor and acts or patterns of behavior, often over a long period of time. For example, every time a guy leaves the refrigerator door open for more than some arbitrarily time limit set by his girl, the domineering paragon of everything correct barks "shut the door!" Over time, opening the refrigerator can become an unpleasant task—not unlike touching a live wire. Or the reckless, maybe intentional keeping of letters from the wife's lover in a place for the husband to find them in order to shatter the world of a faithful husband, especially if her sexual escapades occurred in the year prior to the birth of a child. As

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the genetically evil female well knows, a nauseating doubt will plague the husband until the day he dies that his child may not be his. What redress for the pain she caused would the husband have in feminism? America? none! In Russia, he could find some justice by slapping her around a bit, and if she called the cops, they'd help him out.

Girls have the advantage in America because physical violence is easy to prove: it leaves physical marks that a camera can record. Emotional violence, however, stalks the invisible world of the mind, which makes it a near perfect weapon. Husbands and boyfriends can't take pictures of the pain broads intentionally and recklessly cause them. Big Sister America is using that fact to tie men's hands, so they can no longer defend themselves against their girlfriends or wives twisting the blade of emotional pain through their hearts.

When will we see advertisements paid for by taxpayer dollars giving men a number to call to get some ragging, nagging, malicious broad to shut her yap? Not until science invents a technique for measuring emotional distress. Until then, a man has no choice but to follow Mother Nature, regardless of the cost, and slap the broad across the chops to stop the barrage of emotional bullets spewing from her tongue, which, of course, has always been a girl's gun.

posted by [admin](#) with 0 Comments

Wednesday, July 05, 2006 4:43 PM

A Different Time

A propeller driven plane drones somewhere overhead far out of sight. Its low monotone humming envelops a warm, spring Sunday afternoon somewhere in the 1950s. I sit on my 24 inch, black, single-gear Schwinn bicycle, keeping my balance by holding onto the door handle of an old, blue, four-door 1947 Dodge.

My consciousness pauses at the moment, feeling vaguely sad for no discernible reason. The week's events ended with this gift of nothing to do: no homework, no television shows, no new housing developments to explore or classmates able to come out and play.

The dead-end street needs a new asphalt topping. Where I am balance on the side, the asphalt has broken up into small gravel-like stones with an isolated weed sprouting up here and there. It is still early spring, the lawns are just beginning to turn green and the tulips and dogwood buds remain closed, waiting for a few consecutive days of warm weather. The air smells fresh, warmed slightly by a gentle breeze.

The droning airplane fills the vacuum of silence on this street with modest middle-class houses in this small suburban town, whose claim to fame will not come until the end of the next decade. Of all the towns in America, this town will have the second highest number of persons per capita to die in Vietnam—all of them men, of course, and all of them guys I knew.

posted by [admin](#) with 0 Comments

Friday, May 12, 2006 3:21 PM

Do Men Cause the Wars?

By Roy Den Hollander

During a trip to the evil empire—formerly the Soviet Union but still as evil as ever—a budding middle-aged Feminazi translator sternly ended her exposition about a battle depicted in a World War II museum outside Moscow with “Men cause the wars!” The American academicians and others along on the tour, including the males who were no longer men, nodded approvingly. Not me, my juvenile delinquent attitude, which I’ve never been able or wanted to outgrow, made me speak up—“Tell that to the guys pushing up daisies in the Falklands!” That shut the broad’s duplicitous mouth.

The Falklands, however, was just one war in which a female, Margaret Thatcher, helped kill 252 British and 655 Argentine soldiers, sailors, and airmen while doing in only three British females. What about all the other wars? Men certainly die in them in greater numbers than girls: the first Iraq war totaled about 22,000 men on both sides to 11 American female combat deaths and in Vietnam 58,185 American men to 8—that’s right—8 American females. But are guys the sole cause of that which destroys so many more men than broads? The National Organization of Witches (N.O.W.) and other

modern-day matriarchic tyrants would have us believe so because it infers that if men cause the wars, than they get what they deserve in war.

Let's look at the first Iraq war and April Glassby, the American ambassador to Iraq in 1990. She met Saddam Hussein just before he invaded Kuwait. At that time, there was rising tension between Iraq and Kuwait, Iraq was mobilizing and there were reports that Saddam might move across the border. So what did April tell Saddam at their meeting: the United States had no obligation to defend Kuwait. How dumb can you get! For dummies it has no limits, especially in situations suited for men. Maybe April didn't want to offend Saddam's sensitivities by popping his illusion as the modern day Saladin. Whatever the reason for her stupidity, after April tells Saddam a green light, he naturally invades as would any guy when a girl gives him the go-ahead even though April probably meant a red light. What was Saddam suppose to do read the bimbo's mind? So he invades, figuring the U.S. won't intervene because that's what its ambassador said, and if the U.S. won't than no one will.

As for Viet Nam, lots of contributing factors went into bringing us that war, including the 1.8 million more votes Lyndon Johnson received from females than men in 1964. Of course, those bimbos didn't swing the election and Barry Goldwater might have dragged us into the same quagmire, but just looking at history as it played-out shows that more girls than guys were responsible for re-electing LBJ who turned Viet Nam into a male meat grinder.

How about the big killer of men World War II? The war that prompted the bimbo Russian translator to blame only men. This requires a little history something the Feminazis are excellent at ignoring or re-writing.

The treaty ending the First World War set up the League of Nations. In order for the League, like the United Nations today, to have any power required America as a member. The League ended up including most of Europe, including Germany, as well as Japan and China but no U.S. Here's why: President Woodrow Wilson and the leader of the Senate, Henry Cabot Lodge, had some disagreements over the League. Since the Senate would have to approve the treaty that called for U.S. membership, a compromise was crucial and likely because both men were politicians. But when Wilson suffered a stroke, his wife, in effect, took over as President that doomed any chance of an agreement. When was the last time you tried to reach a compromise with a female? It's not possible! To broads a compromise means only one thing: Do it their way! Without the U.S., the League ultimately proved incapable of preventing aggression by the Axis Powers in the 1930s, which culminated in World War II.

Another Mistress of War includes Queen Victoria with her campaigns of imperialism in Africa: the Anglo-Zulu War and the two Boer Wars. The Queen used 250,000 troops to conduct a scorched earth policy against the Boers and throw Africans and Boers into concentration camps: 27,927 Boers (of whom 22,074 were children under 16) and about 20,000 Africans died of starvation, disease and exposure. In all, about 25% of the Boer inmates and 17% of the African ones died. Concentration camps weren't new in 1900, but under the British matriarch Victoria, they wreaked an unprecedented toll of human misery. The Second Boer War alone cost around 75,000 lives 22,000 British soldiers, 6,000-7,000 Boer soldiers, 20,000-28,000 Boer civilians and perhaps 25,000 Africans. The population of the world back then was 26% of what it is now, so multiply these figures by four to understand the scope of feminine barbarity.

Then there's one of the all time Hoing champs: Catherine the Great of Russia. Ho Catherine started or instigated a number of wars in order to expand her domain to the South and East into the Ottoman Empire and bite off pieces of Poland in the West. Her eminence killed plenty men in order to add some 200,000 square miles to Russian territory, and when finished, she had bankrupted the country. The current German chancellor Angela Merkel has a picture of Catherine the Great in her office because, as Angela says, Catherine was a strong woman, which in Feminazicse means an unabashed Ho and destroyer of men.

There are plenty of other female tyrants throughout history who have unleashed the irrational fury of their twisted emotions when slighted, given vent to their insatiable greed and blown mindlessly passed

the chance of a compromise to kill plenty of men and others. The Feminazis conveniently ignored history hoping us guys will do the same and buy into their con of the empathetic female leader. Donâ€™t be fooled; broads are only empathetic so long as theyâ€™re looking in the mirror. The fighting and dying in wars will always fall on the shoulders of men, so it seems wise that to avoid unnecessary wars, men should keep bimbos out of the political decision making process.

posted by [admin](#) with [2 Comments](#)

Friday, March 24, 2006 11:54 PM

Some Differences: Men v. Girls

Â© Roy Den Hollander, 2006

Feminazi propaganda claims that except for a few mounds of flesh and "gender" organs, there's basically no difference between men and girls. They say broads can do virtually anything men canâ€™perhaps, but can they do the tasks evolutionarily suited for men as well as men? Not in the real world they can't.

Would you waste time and money watching a bunch of broads trying to play basketball when you can catch a higher quality of ball played by men in college or the NBA? I don't think so. Of course, if the girls play in their tongs and halter tops, that's different. If you need someone to do your taxes, you'd be a fool to use a bimbo. Studies at Vanderbilt University show that thirteen times more boys than girls score above 700 on the math part of the SAT. Why risk going to jail because some feminazi ditz can't add? Or what about investing the money for which you had to put up with so much grief to earn in an economy where over 50% of the jobs are held by dames? Are you going to hand it over to some vain Feminazi such as the former CEO of Hewlett Packard who spent lots of company resources and time aggrandizing herself while the stock dropped 55%? On the other hand, when it comes to prostitution ringsâ€™invest with the sluts. Los Angeles recently busted the largest call girl operation in its history that had raked in five to eight million in just 22 months. It was run by broads: a 42 year-old Russian whore and her 22 year-old harlot daughter who is still on the lam. Money for sex-any broads natural calling.

But when it comes to the work Mother Nature made men for, girls don't cut it. So the next time some Feminazi gives you that stern, serious lookâ€™like the one your mother did when trying to tell you something that made no senseâ€™and says, "I'm a strong and independent woman," meaning she's as good and tough as a guy, ask her to step outside. "Excuse me!" She'll indignantly respond in a tone meant to intimidate. Reply with "I'm challenging you to a duel. Let's see how strong, independent and tough you really are. You can even choose the weapons, so long as they're not T and As or duplicity." That'll shut her yap.

Feminazi proselytizing even demands us to believe that girls are better suited for certain male activities- only the high paying and powerful ones of course-because broads are more compassionate and caring. Nobody wants a compassionate general, but let's see whether bimbos really are "compassionate." Take a husband and wife who both work. While driving, the wife slams into another car-not surprising since she's running her mouth on a cell phone and between breaths and gibberish, she's sucking down a coffee latte. She ends up in the hospital-good-for weeks. The family income is cut, but the husband's main concern is that she's okay and gets well. He knows they'll make it through the financial crunch. Reverse the situation. The husband is broadsided by some bimbo yakking on her cell phone and sipping a coffee latte. The accident, more like recklessness, sends him to the hospital for weeks. The wife's only concern is the impact on her of the loss of income and sex. Sex, unless she's an adulteress, which most wives are until men no longer find them attractive. While this example shows females as being less compassionate than men, it does show them as equals in one sense: both are primarily concerned about the wife.

Although girls are not as competent as men at many tasks; they aren't powerless. Mother Nature gave them the ability to use sex, sexual favors and sympathy to win what they want. But feminism America now allows them to habitually get away with conduct they never could have before. Feminazis believe the universe exempted them from civilized conduct by making them female even though that was just an accident.

Some examples: Has a girl ever summarily pushed you out of the way in a crowded night club or in a stampede to squeeze her fat ass into a bus or subway spot that could fit only one of her cheeks? What

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B

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Roy Den Hollander,

Plaintiff on behalf of himself
and all others similarly situated,

Civil Action No. 07 CV 5873 (MGC)

-against-

See TP 11

Copacabana Nightclub,
China Club,
Guest House,
A.E.R. Nightclub,
Lotus,
Sol, and
Jane Doe Promoters,

Defendants .

**DECLARATION OF DEBORAH SWINDELLS DONOVAN
IN OPPOSITION TO PLAINTIFFS MOTION TO
DISQUALIFY JUDGE CEDARBAUM**

Deborah Swindells Donovan, an attorney duly admitted to practice in the State of New York, hereby affirms the following under the penalty of perjury:

- ✓ 1. I am a partner with the law firm of Gordon & Rees, L.L.P., counsel for Defendant Lotus, one of the nightclubs named in the within action. As counsel for Lotus, I am fully familiar with the facts set forth herein. This Declaration is submitted in opposition to the frivolous Motion To Disqualify Judge Cedarbaum, filed by Plaintiff Roy Den Hollander on or about October 7, 2007. I attended the October 3, 2007 Initial Pretrial Conference (the "Conference") that Plaintiff unsuccessfully submits provides a basis for his motion to disqualify Judge Cedarbaum.
- ✓ 2. In my twenty-four years as a practicing attorney, who appears primarily in federal court, Plaintiff's contention that he "had no notice that the subject matter of the [Conference] was

antagonism or disdain on the Judge's part toward men. Plaintiff ¶¶ 5, 13, 14. Rather, the exchange reflected the Court's concern that it might lack jurisdiction, and she questioned Plaintiff extensively concerning this potential issue. When Plaintiff identified two lower court decisions in support of his position, Judge Cedarbaum invited him to send her those cases, thereby demonstrating her receptiveness to legal authority that supported Plaintiff's premise that the extensive regulation by the State is sufficient to constitute the necessary state action to confer Section 1983 jurisdiction.

✓ 9. Plaintiff's characterization of the Judge as "repeatedly interrupt[ing] him and cut[ting him] off" is inaccurate. Plaintiff ¶ 12. Rather, it was my observation that Plaintiff repeatedly interrupted Judge Cedarbaum, raising his voice in an effort to keep the Judge from finishing her remarks.

✓ 10. Plaintiff's accusation that Judge Cedarbaum "was motivated by sexual bias, sexual prejudice, and partiality toward the class of men on whose behalf the male named plaintiff brought this suit" is fantasy. Nothing was said by the Court that possibly could be construed as reflecting discriminatory animus against men. The conference focused solely on the jurisdictional question, not the substance of whether "Ladies Nights" discriminate against men. The accusation that the Judge is sexually biased or prejudiced against men is merely self-serving speculation.

11. This speculation stands in stark contrast to Plaintiff's unrelenting bias against females. Perhaps Plaintiff would prefer a male Judge, given his negative stereotypes of women on the Internet, frequently referring to them as "feminazi." The attached Exhibit A includes examples of Plaintiff's invective against women. It is my understanding these "articles" appeared on the Internet. I personally have read diatribes by Plaintiff on the Internet which are entirely consistent with many of the views expressed in this exhibit. Unfortunately, I did not save them because Plaintiff's opinion of women is not at issue in the lawsuit he has brought. Had I

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known he would level a baseless charge of gender discrimination against Judge Cedarbaum personally, I certainly would have retained them as they unequivocally reflect his misogyny. The articles suggest Plaintiff is challenging Judge Cedarbaum's impartiality simply because she is female, not biased. Plaintiff is the one who is sexually biased, not Judge Cedarbaum.

Dated: New York, New York
October 23, 2007


Deborah Swindells Donovan (DD 3421)



A Different Time

A propeller driven plane drones somewhere overhead far out of sight. Its low monotone humming envelops a warm, spring Sunday afternoon somewhere in the 1950s. I sit on my 24 inch, black, single-gear Schwinn bicycle, keeping my balance by holding onto the door handle of an old, blue, four-door 1947 Dodge.

My consciousness pauses at the moment, feeling vaguely sad for no discernible reason. The week's events ended with this gift of nothing to do: no homework, no television shows, no new housing developments to explore or classmates able to come out and play.

The dead-end street needs a new asphalt topping. Where I am balance on the side, the asphalt has broken up into small gravel-like stones with an isolated weed sprouting up here and there. It is still early spring, the lawns are just beginning to turn green and the tulips and dogwood buds remain closed, waiting for a few consecutive days of warm weather. The air smells fresh, warmed slightly by a gentle breeze.

The droning airplane fills the vacuum of silence on this street with modest middle-class houses in this small suburban town, whose claim to fame will not come until the end of the next decade. Of all the towns in America, this town will have the second highest number of persons per capita to die in Vietnam—all of them men, of course, and all of them guys I knew.

Two Sides
By Roy Den Hollander

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When I worked for Metromedia TV News, now Fox News, there was only one way out of the newsroom and above that door was a sign: "Each story has two sides—make sure you get both." That maxim is no longer followed by the effete, eastern intellectual, white trash, elitist media.

Today, the fifth estate kowtows to the current, political-correctionalist propaganda of depicting females as victims and men as oppressors. The news media and Hollywood portray the role of wife as dreadful and that of the husband as enviable. As with other superficially, politically naive analyses, the Feminazi infested media often fails to look beyond its members own biased beliefs to the reality of being a husband in feminarchy America

Everyday the husband leaves the house and children to trade 8, 10 or 12 hours of his life for the means to provide for his wife and offspring. Beyond food and housing, he must satiate her voracious appetite for material goods in her Sisyphean effort to keep up with Mrs. Jones; assuage her relentless vanity with expensive jewelry, perfumes, clothes and cosmetics; appease with social status her vindictive, vitriolic ranting as age lines her face; satisfy junior's whining for a new toy, bicycle or car; and fulfill his daughter's limitless greed for MTV hyped products.

At work, the husband must win out over others or jeopardize the means of satisfying his insatiable dependents. Job stress is an ever-present companion that contributes to the seven years shorter life span men have as compared to dames. Many husbands, however, do not have to worry about stress, because their assigned role as serfs to princesses lands them in jobs that kill before stress has a chance to even raise their blood pressure. In the ten most hazardous jobs in America, over 90 percent of the workers are men. Every year industrial accidents kill twelve times more men than girls.

If an unfriendly nation decides to invade a husband's homeland, he, not his wife, will be drafted. The husband will go fight in order to protect his family and their way of life. In the twentieth century, 99 percent of the soldiers killed in wars were men. Perhaps death is the easy way for men to survive a war. Of the over two million young American men who served in Vietnam, approximately 800,000 suffer from post-traumatic stress syndrome. I wonder if any of these guys would have traded washing dishes for the hell they went through and are still suffering from.

In an emergency situation, females, including wives, and children are rescued first while men, including husbands, wait, hoping the grim reaper's scythe swings slowly enough for them to escape.

When the bottom of the economy falls out, the main provider of a family, usually the husband loses his job, which requires the family to seek government assistance. Some welfare programs require the husband to leave his home before the wife and children can receive support. As a result, the wife still has her children and a roof over her head while the husband walks the

indifferent streets alone. Approximately 90 percent of America's three million homeless are men—not a few because of lost jobs.

At the other end of the economic scale where both husband and wife have well paying jobs, government and private support groups' discrimination against men has virtually no effect. But a form of male discrimination still exists. When the wife has a child, she often has the option to leave work to raise the child, to work part-time or return to work full-time. The husband also has three options: to continue working, to continue working and to continue working.

Finally, the burdens foisted on husbands and all men by this wo - man's nation cause men to commit suicide five times more often than females. For example, the Vietnam War killed around 58,000 young men; since that war's end, over 58,000 men who served in Vietnam have committed suicide.

When the Feminazis exclaim, "My God, who would not want to be a wife!" Given the alternative—many.

An Invisible Weapon
By Roy Den Hollander

Physical violence mainly injures the body while emotional distress sears the mind. Contemporary feminazi groups and the political-correctionalist media and politicians incessantly depict husbands and boyfriends as brutal batterers of their innocent, defenseless wives and concubines. Trendy beliefs claim that a large percentage of America's 50% divorce rate results from the genetically programmed physical violence of men against females. The media, populace and politicians, however, ignore the incapacitating genetically programmed violence of emotional distress that wives and girls batter their beaus with day after day, year after year, which ends in a divorce, early grave for the husband or lawsuit against the man.

Females intentionally or recklessly inflict emotional pain on a man with words, intonation of voice, facial demeanor and acts or patterns of behavior, often over a long period of time. For example, every time a guy leaves the refrigerator door open for more than some arbitrarily time limit set by his girl, the domineering paragon of everything correct barks, "shut the door!" Over time, opening the refrigerator can become an unpleasant task—not unlike touching a live wire. Or the reckless, maybe intentional keeping of letters from the wife's lover in a place for the husband to find them in order to shatter the world of a faithful husband, especially if her sexual escapades occurred in the year prior to the birth of a child. As the genetically evil female well knows, a nauseating doubt will plague the husband until the day he dies that his child may not be his. What redress for the pain she caused would the husband have in feminarchy America—none! In Russia, he could find some justice by slapping her around a bit, and if she called the cops, they'd help him out.

Girls have the advantage in America because physical violence is easy to prove: it leaves physical marks that a camera can record. Emotional violence, however, stalks the invisible

world of the mind, which makes it a near perfect weapon. Husbands and boyfriends can't take pictures of the pain broads intentionally and recklessly cause them. Big Sister America is using that fact to tie men's hands, so they can no longer defend themselves against their girlfriends or wives twisting the blade of emotional pain through their hearts.

When will we see advertisements paid for by taxpayer dollars giving men a number to call to get some ragging, nagging, malicious slut to shut her yap? Not until science invents a technique for measuring emotional distress. Until then, a man has no choice but to follow Mother Nature, regardless of the cost, and slap the slut across the chops to stop the barrage of emotional bullets spewing from her tongue, which, of course, has always been a girl's gun.

Do Men Cause the Wars?

By Roy Den Hollander

During a trip to the evil empire—formerly the Soviet Union but still as evil as ever—a budding middle-aged Feminazi translator sternly ended her exposition about a battle depicted in a World War II museum outside Moscow with “Men cause the wars!” The American academicians and others along on the tour, including the males who were no longer men, nodded approvingly. Not me, my juvenile delinquent attitude, which I’ve never been able or wanted to outgrow, made me speak up—“Tell that to the guys pushing up daises in the Falklands!” That shut the broad’s duplicitous mouth.

The Falklands, however, was just one war in which a female, Margaret Thatcher, helped kill 252 British and 655 Argentine soldiers, sailors, and airmen while doing in only three British females. What about all the other wars? Men certainly die in them in greater numbers than girls: the first Iraq war totaled about 22,000 men on both sides to 11 American female combat deaths and in Vietnam 58,185 American men to 8—that’s right—8 American females. But are guys the sole cause of that which destroys so many more men than broads? The National Organization of Witches (N.O.W.) and other modern-day matriarchic tyrants would have us believe so because it infers that if men cause the wars, then they get what they deserve in war.

Let’s look at the first Iraq war and April Glassby, the American ambassador to Iraq in 1990. She met Saddam Hussein just before he invaded Kuwait. At that time, there was rising tension between Iraq and Kuwait, Iraq was mobilizing and there were reports that Saddam might move across the border. So what did April tell Saddam at their meeting: the United States had no obligation to defend Kuwait. How dumb can you get! For dames it has no limits, especially in situations suited for men. Maybe April didn’t want to offend Saddam’s sensitivities by popping his illusion as the modern day Saladin. Whatever the reason for her stupidity, after

April tells Saddam “green light,” he naturally invades—as would any guy when a girl gives him the go-ahead—even though April probably meant “red light.” What was Saddam suppose to do—read the bimbo’s mind? So he invades, figuring the U.S. won’t intervene because that’s what its ambassador said, and if the U.S. won’t than no one will.

As for Viet Nam, lots of contributing factors went into bringing us that war, including the 1.8 million more votes Lyndon Johnson received from females than men in 1964. Of course, those bimbos didn’t swing the election and Barry Goldwater might have dragged us into the same quagmire, but just looking at history as it played-out shows that more girls than guys were responsible for re-electing LBJ who turned Viet Nam into a male meat grinder.

How about the big killer of men—World War II? The war that prompted the bimbat Russian translator to blame only men. This requires a little history—something the Feminazis are excellent at ignoring or re-writing.

The treaty ending the First World War set up the League of Nations. In order for the League, like the United Nations today, to have any power required America as a member. The League ended up including most of Europe, including Germany, as well as Japan and China—but no U.S. Here’s why: President Woodrow Wilson and the leader of the Senate, Henry Cabot Lodge, had some disagreements over the League. Since the Senate would have to approve the treaty that called for U.S. membership, a compromise was crucial and likely because both men were politicians. But when Wilson suffered a stroke, his wife, in effect, took over as President—that doomed any chance of an agreement. When was the last time you tried to reach a compromise with a female? It’s not possible! To broads “compromise” means only one thing: Do it their way! Without the U.S., the League ultimately proved incapable of preventing aggression by the Axis Powers in the 1930s, which culminated in World War II.

Another Mistress of War includes Queen Victoria with her campaigns of imperialism in Africa: the Anglo-Zulu War and the two Boer Wars. The Queen used 250,000 troops to conduct a scorched earth policy against the Boers and throw Africans and Boers into concentration camps: 27,927 Boers (of whom 22,074 were children under 16) and about 20,000 Africans died of starvation, disease and exposure. In all, about 25% of the Boer inmates and 17% of the African ones died. Concentration camps weren't new in 1900, but under the British matriarch Victoria, they wreaked an unprecedented toll of human misery. The Second Boer War alone cost around 75,000 lives — 22,000 British soldiers, 6,000-7,000 Boer soldiers, 20,000-28,000 Boer civilians and perhaps 25,000 Africans. The population of the world back then was 26% of what it is now, so multiply these figures by four to understand the scope of feminine barbarity.

Then there's one of the all time Hoing champs: Catherine the Great of Russia. Ho Catherine started or instigated a number of wars in order to expand her domain to the South and East into the Ottoman Empire and bite off pieces of Poland in the West. Her eminence killed plenty men in order to add some 200,000 square miles to Russian territory, and when finished, she had bankrupted the county. The current German chancellor Angela Merkel has a picture of Catherine the Great in her office because, as Angela says, "Catherine was a strong woman," which in Feminaziese means an unabashed Ho and destroyer of men.

There are plenty of other female tyrants throughout history who have unleashed the irrational fury of their twisted emotions when slighted, given vent to their insatiable greed and blown mindlessly passed the chance of a compromise to kill plenty of men and others. The Feminazis conveniently ignored history hoping us guys will do the same and buy into their con of the empathetic female leader. Don't be fooled; broads are only empathetic so long as they're looking in the mirror. The fighting and dying in wars will always fall on the shoulders of men,

so it seems wise that to avoid unnecessary wars, men should keep bimbos out of the political decision making process.

Some Differences: Men v. Girls

By Roy Den Hollander

Feminazi propaganda claims that except for a few mounds of flesh and “gender” organs, there’s basically no difference between men and girls. They say broads can do virtually anything men can—perhaps, but can they do the tasks evolutionarily suited for men as well as men? Not in the real world they can’t!

Would you waste time and money watching a bunch of broads trying to play basketball when you can catch a higher quality of ball played by men in college or the NBA? I don’t think so. Of course, if the girls play in their tongs and halter tops, that’s different. If you need someone to do your taxes, you’d be a fool to use a bimbo. Studies at Vanderbilt University show that thirteen times more boys than girls score above 700 on the math part of the SAT. Why risk going to jail because some feminazi ditz can’t add? Or what about investing the money for which you had to put up with so much grief to earn in an economy where over 50% of the jobs are held by dames? Are you going to hand it over to some vain Feminazi such as the former CEO of Hewlett Packard who spent lots of company resources and time aggrandizing herself while the stock dropped 55%? On the other hand, when it comes to prostitution rings—invest with the sluts. Los Angeles recently busted the largest call girl operation in its history that had raked in five to eight million in just 22 months. It was run by broads: a 42 year-old Russian whore and her 22 year-old harlot daughter who is still on the lam. Money for sex—any broads natural calling.

But when it comes to the work Mother Nature made men for, girls don’t cut it. So the next time some Feminazi gives you that stern, serious look—like the one your mother did when trying to tell you something that made no sense—and says, “I’m a strong and independent woman,” meaning she’s as good and tough as a guy, ask her to step outside.

“Excuse me!” She’ll indignantly respond in a tone meant to intimidate.

Reply with “I’m challenging you to a duel. Let’s see how strong, independent and tough you really are. You can even choose the weapons, so long as they’re not T and As or duplicity.” That’ll shut her yap.

Feminazi proselytizing even demands us to believe that girls are better suited for certain male activities—only the high paying and powerful ones of course—because broads are more compassionate and caring. Nobody wants a compassionate general, but let’s see whether bimbos really are “compassionate.” Take a husband and wife who both work. While driving, the wife slams into another car—not surprising since she’s running her mouth on a cell phone and between breaths and gibberish, she’s sucking down a coffee latte. She ends up in the hospital—good—for weeks. The family income is cut, but the husband’s main concern is that she’s okay and gets well. He knows they’ll make it through the financial crunch. Reverse the situation. The husband is broadsided by some bimbo yakking on her cell phone and sipping a coffee latte. The accident, more like recklessness, sends him to the hospital for weeks. The wife’s only concern is the impact on her of the loss of income and sex. Sex, unless she’s an adulteress, which most wives are until men no longer find them attractive. While this example shows females as being less compassionate than men, it does show them as equals in one sense: both are primarily concerned about the wife.

Although girls are not as competent as men at many tasks; they aren’t powerless. Mother Nature gave them the ability to use sex, sexual favors and sympathy to win what they want. But feminarchy America now allows them to habitually get away with conduct they never could have before. Feminazis believe the universe exempted them from civilized conduct by making them female even though that was just an accident.

Some examples: Has a girl ever summarily pushed you out of the way in a crowded night club or in a stampede to squeeze her fat ass into a bus or subway spot that could fit only one of her cheeks? What about cutting in line or mouthing off in such a vitriolic manner that if it came from a man he'd end up with a knuckle sandwich? Or take these female teachers caught having sex with their underage students. They receive no prison time or one to three years while male teachers get 15 to 20. Then there's females murdering their children without getting fried, killing their husbands and not even going to jail or butchering incipient human beings on demand because they want the choice to act irresponsibly in satisfying her sexual whim of the moment.

Feminarchy America allows broads to get away with more than Mother Nature intended, not because girls are superior but because females are now making the rules. We have forgotten six million years of hominid evolution: dames aren't here to soothe the "savage beast"; the "savage beast" is here to limit broads' infinite capacity for evil. And the most virulent feminine evil is the Feminazis.

So what's to be done with a Feminazi? Strap her to a missile and drop her it on the Middle East. They'll know how to deal with her.

Fear Corrupts
By Roy Den Hollander

The purpose of the Feminist Movement is not equality, justice or freedom, but power—power over men.

Virtually every female lives with a never-ending fear that just about any man has the physical power to do with her as he wishes. He can beat her up, rape or kill her with his bare hands, providing no one else is present to prevent it. She does, however, have recourse to the courts, and if she is dead, the prosecutor will try to avenge her, but when a female faces a man in a situation of imminent physical violence, she's powerless.

This lack of power to protect their own beings has driven many females to an uncontrollable fury and madness that has spawned a slithering, insidious, malicious obsession to control men totally by gutting their freedom of thought and speech and relegating them to the non-human status of beasts.

Feminists, or more appropriately Feminazis, use well-proven totalitarian tricks to reach this end. They propagandize their goal as liberation of all females, but in reality they aim to warp society's institutions into a big sister that relentlessly attacks, humiliates and demoralizes men.

The Feminazis profess their aim is to raise the consciousness of men and females, but they are actually carrying out a campaign of indoctrination and social pressure by assuming the role of scolding mothers or shrews. Their true goal is to domesticate men into sheepish little boys who will blindly obey their self-righteous, hypocritical and bigoted whims.

Having tasted social power, the Feminazis will not stop until they reshape America and eventually the world into an intolerant hell complete with thought-control, inquisitions, intimidation, enslavement and, as one Feminazi priestess advocated, a reduction in the male population to 10%. Perhaps the reduced male population will be kept in protective hamlets surrounded by armed guards and barbed wire where females can safely pick out their pleasure for the night and where females' fears remain entombed.

COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

Roy Dea HOLLANDER

Plaintiff

#102957/2007

William R. ASANO

Defendant

Admission to Opposition

Allegations

Paul Steinberg

Defendant William Asano

The Sills Building Suite 408
14 East 42nd Street, NY, NY 10017-1141
(212) 575-5408

On or about 23 October 2007, the undersigned, an attorney admitted to practice in the courts of New York State, certifies that, upon information and belief and reasonable inquiry, the contents contained in the foregoing pleading are not frivolous.

Dated:

Signature

Print Name

Service of a copy of this within

is hereby admitted.

Dated:

Attorney(s) for

PLEASE TAKE NOTICE

☐ NOTICE OF
ENTRY

that the within is a (certified) true copy of a
entered in the office of the clerk of the within named Court on

20

☐ NOTICE OF
DEPOSITION

that an order of which the within is a true copy will be presented for settlement to the
one of the judges of the within named Court

at

20

at

M.

Dated:

Paul W. Steinberg
Attorney for Defendant

Attorney(s) for

To:

Office Address & Tel. No.

Attorney(s) for

Saturday, September 02, 2006 11:56 AM

Fear Corrupts

© Roy Den Hollander 2006

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posted by admin with 0 Comments

Saturday, August 12, 2006 12:43 PM

Two Sides

© Roy Den Hollander, 2006

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 posted by [admin](#) with [1 Comments](#)
Saturday, August 12, 2006 12:25 PM
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posted by [admin](#) with 0 Comments
 Wednesday, July 05, 2006 4:43 PM

A Different Time

A propeller driven plane drones somewhere overhead far out of sight. Its low monotone humming envelops a warm, spring Sunday afternoon somewhere in the 1950s. I sit on my 24 inch, black, single-gear Schwinn bicycle, keeping my balance by holding onto the door handle of an old, blue, four-door 1947 Dodge.

My consciousness pauses at the moment, feeling vaguely sad for no discernible reason. The weekâ€”s events ended with this gift of nothing to do: no homework, no television shows, no new housing developments to explore or classmates able to come out and play.

The dead-end street needs a new asphalt topping. Where I am balance on the side, the asphalt has broken up into small gravel-like stones with an isolated weed sprouting up here and there. It is still early spring, the lawns are just beginning to turn green and the tulips and dogwood buds remain closed, waiting for a few consecutive days of warm weather. The air smells fresh, warmed slightly by a gentle breeze.

The droning airplane fills the vacuum of silence on this street with modest middle-class houses in this small suburban town, whose claim to fame will not come until the end of the next decade. Of all the towns in America, this town will have the second highest number of persons per capita to die in Vietnamâ€”all of them men, of course, and all of them guys I knew.

posted by [admin](#) with 0 Comments
 Friday, May 12, 2006 3:21 PM

Do Men Cause the Wars?

By Roy Den Hollander

During a trip to the evil empireâ€”formerly the Soviet Union but still as evil as everâ€”a budding middle-aged Feminazi translator sternly ended her exposition about a battle depicted in a World War II museum outside Moscow with â€”Men cause the wars!â€” The American academicians and others along on the tour, including the males who were no longer men, nodded approvingly. Not me, my juvenile delinquent attitude, which Iâ€”ve never been able or wanted to outgrow, made me speak upâ€”â€”Tell that to the guys pushing up daisies in the Falklands!â€” That shut the broadâ€”s duplicitous mouth.

The Falklands, however, was just one war in which a female, Margaret Thatcher, helped kill 252 British and 655 Argentine soldiers, sailors, and airmen while doing in only three British females. What about all the other wars? Men certainly die in them in greater numbers than girls: the first Iraq war totaled about 22,000 men on both sides to 11 American female combat deaths and in Vietnam 58,185 American men to 8â€”thatâ€”s rightâ€”8 American females. But are guys the sole cause of that which destroys so many more men than broads? The National Organization of Witches (N.O.W.) and other

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Let's look at the first Iraq war and April Glassby, the American ambassador to Iraq in 1990. She met Saddam Hussein just before he invaded Kuwait. At that time, there was rising tension between Iraq and Kuwait, Iraq was mobilizing and there were reports that Saddam might move across the border. So what did April tell Saddam at their meeting: the United States had no obligation to defend Kuwait. How dumb can you get! For dames it has no limits, especially in situations suited for men. Maybe April didn't want to offend Saddam's sensitivities by popping his illusion as the modern day Saladin. Whatever the reason for her stupidity, after April tells Saddam "green light," he naturally invades "as would any guy when a girl gives him the go-ahead" even though April probably meant "red light." What was Saddam suppose to do "read the bimbo's mind"? So he invades, figuring the U.S. won't intervene because that's what its ambassador said, and if the U.S. won't than no one will.

As for Viet Nam, lots of contributing factors went into bringing us that war, including the 1.8 million more votes Lyndon Johnson received from females than men in 1964. Of course, those bimbos didn't swing the election and Barry Goldwater might have dragged us into the same quagmire, but just looking at history as it played-out shows that more girls than guys were responsible for re-electing LBJ who turned Viet Nam into a male meat grinder.

How about the big killer of men "World War II"? The war that prompted the bimbo Russian translator to blame only men. This requires a little history "something the Feminazis are excellent at ignoring or re-writing.

The treaty ending the First World War set up the League of Nations. In order for the League, like the United Nations today, to have any power required America as a member. The League ended up including most of Europe, including Germany, as well as Japan and China "but no U.S. Here's why: President Woodrow Wilson and the leader of the Senate, Henry Cabot Lodge, had some disagreements over the League. Since the Senate would have to approve the treaty that called for U.S. membership, a compromise was crucial and likely because both men were politicians. But when Wilson suffered a stroke, his wife, in effect, took over as President "that doomed any chance of an agreement. When was the last time you tried to reach a compromise with a female? It's not possible! To brood "compromise" means only one thing: Do it their way! Without the U.S., the League ultimately proved incapable of preventing aggression by the Axis Powers in the 1930s, which culminated in World War II.

Another Mistress of War includes Queen Victoria with her campaigns of imperialism in Africa: the Anglo-Zulu War and the two Boer Wars. The Queen used 250,000 troops to conduct a scorched earth policy against the Boers and throw Africans and Boers into concentration camps: 27,927 Boers (of whom 22,074 were children under 16) and about 20,000 Africans died of starvation, disease and exposure. In all, about 25% of the Boer inmates and 17% of the African ones died. Concentration camps weren't new in 1900, but under the British matriarch Victoria, they wreaked an unprecedented toll of human misery. The Second Boer War alone cost around 75,000 lives " 22,000 British soldiers, 6,000-7,000 Boer soldiers, 20,000-28,000 Boer civilians and perhaps 25,000 Africans. The population of the world back then was 26% of what it is now, so multiply these figures by four to understand the scope of feminine barbarity.

Then there's one of the all time Hoing champs: Catherine the Great of Russia. Ho Catherine started or instigated a number of wars in order to expand her domain to the South and East into the Ottoman Empire and bite off pieces of Poland in the West. Her eminence killed plenty men in order to add some 200,000 square miles to Russian territory, and when finished, she had bankrupted the county. The current German chancellor Angela Merkel has a picture of Catherine the Great in her office because, as Angela says, "Catherine was a strong woman," which in Feminaziese means an unabashed Ho and destroyer of men.

There are plenty of other female tyrants throughout history who have unleashed the irrational fury of their twisted emotions when slighted, given vent to their insatiable greed and blown mindlessly passed

the chance of a compromise to kill plenty of men and others. The Feminazis conveniently ignored history hoping us guys will do the same and buy into their con of the empathetic female leader. Donâ€™t be fooled; broads are only empathetic so long as theyâ€™re looking in the mirror. The fighting and dying in wars will always fall on the shoulders of men, so it seems wise that to avoid unnecessary wars, men should keep bimbos out of the political decision making process.

posted by [admin](#) with [2 Comments](#)

Friday, March 24, 2006 11:54 PM

Some Differences: Men v. Girls

Â© Roy Den Hollander, 2006

Feminazi propaganda claims that except for a few mounds of flesh and "gender" organs, there's basically no difference between men and girls. They say broads can do virtually anything men canâ€™ perhaps, but can they do the tasks evolutionarily suited for men as well as men? Not in the real world they can't.

Would you waste time and money watching a bunch of broads trying to play basketball when you can catch a higher quality of ball played by men in college or the NBA? I don't think so. Of course, if the girls play in their tongs and halter tops, that's different. If you need someone to do your taxes, you'd be a fool to use a bimbo. Studies at Vanderbilt University show that thirteen times more boys than girls score above 700 on the math part of the SAT. Why risk going to jail because some feminazi ditz can't add? Or what about investing the money for which you had to put up with so much grief to earn in an economy where over 50% of the jobs are held by dames? Are you going to hand it over to some vain Feminazi such as the former CEO of Hewlett Packard who spent lots of company resources and time aggrandizing herself while the stock dropped 55%? On the other hand, when it comes to prostitution ringsâ€™ invest with the sluts. Los Angeles recently busted the largest call girl operation in its history that had raked in five to eight million in just 22 months. It was run by broads: a 42 year-old Russian whore and her 22 year-old harlot daughter who is still on the lam. Money for sex-any broads natural calling.

But when it comes to the work Mother Nature made men for, girls don't cut it. So the next time some Feminazi gives you that stern, serious lookâ€™ like the one your mother did when trying to tell you something that made no senseâ€™ and says, "I'm a strong and independent woman," meaning she's as good and tough as a guy, ask her to step outside. "Excuse me!" She'll indignantly respond in a tone meant to intimidate. Reply with "I'm challenging you to a duel. Let's see how strong, independent and tough you really are. You can even choose the weapons, so long as they're not T and As or duplicity." That'll shut her yap.

Feminazi proselytizing even demands us to believe that girls are better suited for certain male activities- only the high paying and powerful ones of course- because broads are more compassionate and caring. Nobody wants a compassionate general, but let's see whether bimbos really are "compassionate." Take a husband and wife who both work. While driving, the wife slams into another car- not surprising since she's running her mouth on a cell phone and between breaths and gibberish, she's sucking down a coffee latte. She ends up in the hospital- good for weeks. The family income is cut, but the husband's main concern is that she's okay and gets well. He knows they'll make it through the financial crunch. Reverse the situation. The husband is broadsided by some bimbo yakking on her cell phone and sipping a coffee latte. The accident, more like recklessness, sends him to the hospital for weeks. The wife's only concern is the impact on her of the loss of income and sex. Sex, unless she's an adulteress, which most wives are until men no longer find them attractive. While this example shows females as being less compassionate than men, it does show them as equals in one sense: both are primarily concerned about the wife.

Although girls are not as competent as men at many tasks; they aren't powerless. Mother Nature gave them the ability to use sex, sexual favors and sympathy to win what they want. But feminarchy America now allows them to habitually get away with conduct they never could have before. Feminazis believe the universe exempted them from civilized conduct by making them female even though that was just an accident.

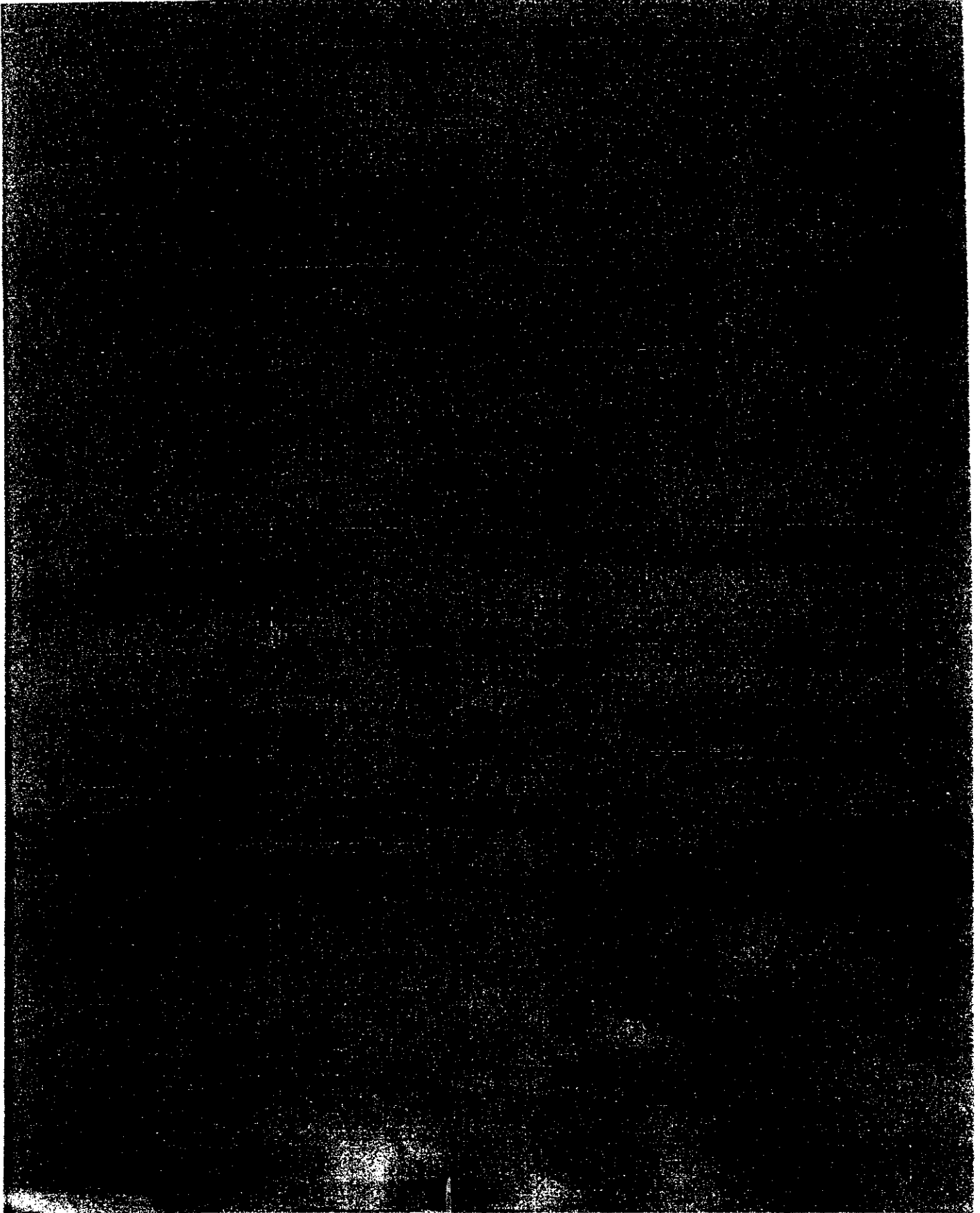
Some examples: Has a girl ever summarily pushed you out of the way in a crowded night club or in a stampede to squeeze her fat ass into a bus or subway spot that could fit only one of her cheeks? What

about cutting in line or mouthing off in such a vitriolic manner that if it came from a man he'd end up with a knuckle sandwich? Then there's murdering her children without getting fried, killing her husband and not even going to jail or butchering incipient human beings on demand because she wants the choice to act irresponsibly in satisfying her sexual whim of the moment?

Feminarchy America allows broads to get away with more than Mother Nature intended, not because girls are superior but because females are now making the rules. We have forgotten six million years of hominid evolution: dames aren't here to soothe the "savage beast"; the "savage beast" is here to limit broads' infinite capacity for evil. And the most virulent feminine evil is the Feminazis.

So what's to be done with a Feminazi? Strap her to a missile and drop her it on the Middle East . They'll know how to deal with her.

posted by [admin](#) with [0 Comments](#)



Saturday, September 02, 2006 11:56 AM

Fear Corrupts

© Roy Den Hollander 2006

The purpose of the Feminist Movement is not equality, justice or freedom, but power—power over men. Virtually every female lives with a never-ending fear that just about any man has the physical power to do with her as he wishes. He can beat her up, rape or kill her with his bare hands, providing no one else is present to prevent it. She does, however, have recourse to the courts, and if she is dead, the prosecutor will try to avenge her, but when a female faces a man in a situation of imminent physical violence, she's powerless.

This lack of power to protect their own beings has driven many females to an uncontrollable fury and madness that has spawned a slithering, insidious, malicious obsession to control men totally by gutting their freedom of thought and speech and relegating them to the non-human status of beasts.

Feminists, or more appropriately Feminazis, use well-proven totalitarian tricks to reach this end. They propagandize their goal as liberation of all females, but in reality they aim to warp society's institutions into a big sister that relentlessly attacks, humiliates and demoralizes men.

The Feminazis profess their aim is to raise the consciousness of men and females, but they are actually carrying out a campaign of indoctrination and social pressure by assuming the role of scolding mothers or shrews. Their true goal is to domesticate men into sheepish little boys who will blindly obey their self-righteous, hypocritical and bigoted whims.

Having tasted social power, the Feminazis will not stop until they reshape America and eventually the world into an intolerant hell complete with thought-control, inquisitions, intimidation, enslavement and, as one Feminazi priestess advocated, a reduction in the male population to 10%. Perhaps the reduced male population will be kept in protective hamlets surrounded by armed guards and barbed wire where females can safely pick out their pleasure for the night and where females' fears remain entombed.

posted by admin with 0 Comments

Saturday, August 12, 2006 12:43 PM

Two Sides

© Roy Den Hollander, 2006

When I worked for Metromedia TV News, now Fox News, there was only one way out of the newsroom and above that door was a sign: "Each story has two sides—make sure you get both." That maxim is no longer followed by the effete, eastern intellectual, white trash, elitist media.

Today, the fifth estate kowtows to the current, political-correctionalist propaganda of depicting females as victims and men as oppressors. The news media and Hollywood portray the role of wife as dreadful and that of the husband as enviable. As with other superficially, politically naive analyses, the Feminazi infested media often fails to look beyond its members own biased beliefs to the reality of being a husband in feminarchoy America

Everyday the husband leaves the house and children to trade 8, 10 or 12 hours of his life for the means to provide for his wife and offspring. Beyond food and housing, he must satiate her voracious appetite for material goods in her Sisyphean effort to keep up with Mrs. Jones; assuage her relentless vanity with expensive jewelry, perfumes, clothes and cosmetics; appease with social status her vindictive, vitriolic ranting as age lines her face; satisfy junior's whining for a new toy, bicycle or car; and fulfill his daughter's limitless greed for MTV hyped products.

At work, the husband must win out over others or jeopardize the means of satisfying his insatiable dependents. Job stress is an ever-present companion that contributes to the seven years shorter life span men have as compared to dames. Many husbands, however, do not have to worry about stress, because

their assigned role as serfs to princesses lands them in jobs that kill before stress has a chance to even raise their blood pressure. In the ten most hazardous jobs in America, over 90 percent of the workers are men. Every year industrial accidents kill twelve times more men than girls.

When an unfriendly nation decides to invade a husband's homeland, he, not his wife, will be drafted. The husband will go fight in order to protect his family and their way of life. In the twentieth century, 99 percent of the soldiers killed in wars were men. Perhaps death is the easy way for men to survive a war. Of the over two million young American men who served in Vietnam, approximately 800,000 suffer from post-traumatic stress syndrome. I wonder if any of these guys would have traded washing dishes for the hell they went through and are still suffering from.

In an emergency situation, females, including wives, and children are rescued first while men, including husbands, wait, hoping the grim reaper's scythe swings slowly enough for them to escape.

When the bottom of the economy falls out, the main provider of a family, usually the husband loses his job, which requires the family to seek government assistance. Some welfare programs require the husband to leave his home before the wife and children can receive support. As a result, the wife still has her children and a roof over her head while the husband walks the indifferent streets alone. Approximately 90 percent of America's three million homeless are men—not a few because of lost jobs stolen by broads.

At the other end of the economic scale where both husband and wife have well paying jobs, government and private support groups' discrimination against men has virtually no effect. But a form of male discrimination still exists. When the wife has a child, she often has the option to leave work to raise the child, to work part-time or return to work full-time. The husband also has three options: to continue working, to continue working and to continue working.

Finally, the burdens foisted on husbands and all men by this wo - man's nation cause men to commit suicide five times more often than females. For example, the Vietnam War killed around 58,000 young men; since that war's end, over 58,000 men who served in Vietnam have committed suicide.

When the Feminazis ask, "My God, who would want to be a wife?" Given the alternative—many.
 posted by [admin](#) with [1 Comments](#)
Saturday, August 12, 2006 12:25 PM
An Invisible Weapon
 © Roy Den Hollander, 2006

Physical violence mainly injures the body while emotional distress scars the mind. Contemporary feminazi groups and the political-correctionalist media and politicians incessantly depict husbands and boyfriends as brutal batterers of their innocent, defenseless wives and concubines. Trendy beliefs claim that a large percentage of America's 50% divorce rate results from the genetically programmed physical violence of men against females. The media, populace and politicians, however, ignore the incapacitating genetically programmed violence of emotional distress that wives and girls batter their beaus with day after day, year after year, which ends in a divorce, early grave for the husband or lawsuit against the man. Females intentionally or recklessly inflict emotional pain on a man with words, intonation of voice, facial demeanor and acts or patterns of behavior, often over a long period of time. For example, every time a guy leaves the refrigerator door open for more than some arbitrarily time limit set by his girl, the domineering paragon of everything correct barks "shut the door!" Over time, opening the refrigerator can become an unpleasant task—not unlike touching a live wire. Or the reckless, maybe intentional keeping of letters from the wife's lover in a place for the husband to find them in order to shatter the world of a faithful husband, especially if her sexual escapades occurred in the year prior to the birth of a child. As

the genetically evil female well knows, a nauseating doubt will plague the husband until the day he dies that his child may not be his. What redress for the pain she caused would the husband have in feminararchy America? none! In Russia, he could find some justice by slapping her around a bit, and if she called the cops, they'd help him out.

Girls have the advantage in America because physical violence is easy to prove: it leaves physical marks that a camera can record. Emotional violence, however, stalks the invisible world of the mind, which makes it a near perfect weapon. Husbands and boyfriends can't take pictures of the pain broads intentionally and recklessly cause them. Big Sister America is using that fact to tie men's hands, so they can no longer defend themselves against their girlfriends or wives twisting the blade of emotional pain through their hearts.

When will we see advertisements paid for by taxpayer dollars giving men a number to call to get some ragging, nagging, malicious broad to shut her yap? Not until science invents a technique for measuring emotional distress. Until then, a man has no choice but to follow Mother Nature, regardless of the cost, and slap the broad across the chops to stop the barrage of emotional bullets spewing from her tongue, which, of course, has always been a girl's gun.

posted by [admin](#) with [0 Comments](#)

Wednesday, July 05, 2006 4:43 PM

A Different Time

A propeller driven plane drones somewhere overhead far out of sight. Its low monotone humming envelops a warm, spring Sunday afternoon somewhere in the 1950s. I sit on my 24 inch, black, single-gear Schwinn bicycle, keeping my balance by holding onto the door handle of an old, blue, four-door 1947 Dodge.

My consciousness pauses at the moment, feeling vaguely sad for no discernible reason. The week's events ended with this gift of nothing to do: no homework, no television shows, no new housing developments to explore or classmates able to come out and play.

The dead-end street needs a new asphalt topping. Where I am balance on the side, the asphalt has broken up into small gravel-like stones with an isolated weed sprouting up here and there. It is still early spring, the lawns are just beginning to turn green and the tulips and dogwood buds remain closed, waiting for a few consecutive days of warm weather. The air smells fresh, warmed slightly by a gentle breeze.

The droning airplane fills the vacuum of silence on this street with modest middle-class houses in this small suburban town, whose claim to fame will not come until the end of the next decade. Of all the towns in America, this town will have the second highest number of persons per capita to die in Vietnam—all of them men, of course, and all of them guys I knew.

posted by [admin](#) with [0 Comments](#)

Friday, May 12, 2006 3:21 PM

Do Men Cause the Wars?

By Roy Den Hollander

During a trip to the evil empire—formerly the Soviet Union but still as evil as ever—a budding middle-aged Feminazi translator sternly ended her exposition about a battle depicted in a World War II museum outside Moscow with “Men cause the wars!” The American academicians and others along on the tour, including the males who were no longer men, nodded approvingly. Not me, my juvenile delinquent attitude, which I’ve never been able or wanted to outgrow, made me speak up: “Tell that to the guys pushing up daisies in the Falklands!” That shut the broad’s duplicitous mouth.

The Falklands, however, was just one war in which a female, Margaret Thatcher, helped kill 252 British and 655 Argentine soldiers, sailors, and airmen while doing in only three British females. What about all the other wars? Men certainly die in them in greater numbers than girls: the first Iraq war totaled about 22,000 men on both sides to 11 American female combat deaths and in Vietnam 58,185 American men to 8—that’s right—8 American females. But are guys the sole cause of that which destroys so many more men than broads? The National Organization of Witches (N.O.W.) and other

modern-day matriarchic tyrants would have us believe so because it infers that if men cause the wars, than they get what they deserve in war.

Let's look at the first Iraq war and April Glassby, the American ambassador to Iraq in 1990. She met Saddam Hussein just before he invaded Kuwait. At that time, there was rising tension between Iraq and Kuwait, Iraq was mobilizing and there were reports that Saddam might move across the border. So what did April tell Saddam at their meeting: the United States had no obligation to defend Kuwait. How dumb can you get! For dames it has no limits, especially in situations suited for men. Maybe April didn't want to offend Saddam's sensitivities by popping his illusion as the modern day Saladin. Whatever the reason for her stupidity, after April tells Saddam "green light," he naturally invades "as would any guy when a girl gives him the go-ahead" even though April probably meant "red light." What was Saddam suppose to do "read the bimbo's mind"? So he invades, figuring the U.S. won't intervene because that's what its ambassador said, and if the U.S. won't than no one will.

As for Viet Nam, lots of contributing factors went into bringing us that war, including the 1.8 million more votes Lyndon Johnson received from females than men in 1964. Of course, those bimbos didn't swing the election and Barry Goldwater might have dragged us into the same quagmire, but just looking at history as it played-out shows that more girls than guys were responsible for re-electing LBJ who turned Viet Nam into a male meat grinder.

How about the big killer of men "World War II"? The war that prompted the bimbo Russian translator to blame only men. This requires a little history "something the Feminazis are excellent at ignoring or re-writing.

The treaty ending the First World War set up the League of Nations. In order for the League, like the United Nations today, to have any power required America as a member. The League ended up including most of Europe, including Germany, as well as Japan and China "but no U.S. Here's why: President Woodrow Wilson and the leader of the Senate, Henry Cabot Lodge, had some disagreements over the League. Since the Senate would have to approve the treaty that called for U.S. membership, a compromise was crucial and likely because both men were politicians. But when Wilson suffered a stroke, his wife, in effect, took over as President "that doomed any chance of an agreement. When was the last time you tried to reach a compromise with a female? It's not possible! To brood "compromise" means only one thing: Do it their way! Without the U.S., the League ultimately proved incapable of preventing aggression by the Axis Powers in the 1930s, which culminated in World War II.

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posted by [admin](#) with [2 Comments](#)

Friday, March 24, 2006 11:54 PM

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Â© Roy Den Hollander, 2006

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So what's to be done with a Feminazi? Strap her to a missile and drop her it on the Middle East . They'll know how to deal with her.

posted by [admin](#) with [0 Comments](#)

**KREBS DECL.
EXHIBIT 2**

ROY DEN HOLLANDER
Attorney at Law

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RDH

February 10, 2009

Judge Frederick Block
Senior United States District Judge
United States Courthouse
Eastern District of New York
225 Cadman Plaza East
Brooklyn, N.Y. 11201

Den Hollander v. Donovan, et al., No. 08 CV 4045 (FB)(CLP)

Dear Judge Block:

On Friday, February 6th at the pre-motion conference, defendant Steinberg admitted that he was the one who initially reproduced the six essays, and that he gave them to defendant Swindells-Donovan.

As such, I am withdrawing the following paragraphs of the Complaint as they pertain to defendant Swindells-Donovan: ¶¶ 6, 17, 25 and ¶ 28 now only applies to one essay "A Different Time."

Thank you for your time.

Sincerely,

Roy Den Hollander
Roy Den Hollander (1957)

CC: Diane Krebs, Esq.
Gordon & Rees LLP
90 Broad Street, 23rd Floor
New York, N.Y. 10004
(212) 269-5500

Paul W. Steinberg, Esq.
14 East Fourth Street, Suite 408
New York, N.Y. 10012
(212) 529-5400

KREBS DECL. EXHIBIT 3

UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF NEW YORK

ROY DEN HOLLANDER,

Plaintiff,

Civil Action No. 08-cv-4045(FB)(ECF)

v.

DEBORAH SWINDELLS DONOVAN,
PAUL W. STEINBERG, and
JANE DOE,

Defendants.

SUPPLEMENTAL COMPLAINT FOR COPYRIGHT INFRINGEMENT

In this Supplemental Complaint filed under Fed. R. Civ. P. 15, the plaintiff alleges additional relief in the alternative as follows:

Alternative Relief Sought

1. A proportion of the profits attributable to defendants Swindells-Donovan and Steinberg's infringement of the six essays as provided for under 17 U.S.C. § 504(b).
2. Both defendants Swindells-Donovan and Steinberg used the copyrighted essays in litigation for which, on information and belief, they made a monetary profit.
3. The amount by which the defendants profited from their unauthorized use of the essays is peculiarly within their knowledge, and, therefore, the plaintiff is unable to plead the actual amount.

Dated: March 2, 2009
New York, N.Y.

/S/

Roy Den Hollander, Esq.
Attorney and plaintiff
545 East 14 Street, 10D
New York, N.Y. 10009
(917) 687-0652

**KREBS DECL.
EXHIBIT 4**

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

Roy Den Hollander,

Plaintiff on behalf of himself
and all others similarly situated,

Docket No. 07 CV 5873 (MGC)
ECF

-against-

CLASS ACTION
42 U.S.C. 1983 COMPLAINT

Copacabana Nightclub,
China Club,
Guest House,
A.E.R. Nightclub,
Lotus,
Sol,¹ and
Jane Doe Promoters,

Defendants.

-----X

Civil Rights, 14th Amendment - Equal Protection Class Action.

1. This is an action brought by the plaintiffs as a class for declaratory and injunctive relief and nominal damages against the defendant nightclubs for the deprivation, under the color of state law, of the plaintiffs' rights as guaranteed by the equal protection clause of the Fourteenth Amendment of the Constitution of the United States.
2. The class action is brought pursuant to 42 U.S.C. § 1983 over which this Court has jurisdiction in accordance with 28 U.S.C. § 1343(3) & (4).
3. The class action is maintainable under Fed. R. Civ. P. § 23(b)(2) because the defendants have acted on grounds generally applicable to the class, thereby making declaratory and injunctive relief and nominal damages appropriate to the class as a whole.
4. The defendants are nightclubs located in New York City, opened to the public, serve alcoholic and non-alcoholic beverages, their operations are entwined with the New York State Division of Alcoholic and Beverage Control and the New York City Consumer Affairs Department, and the nightclubs, along with New York State and the City, benefit from invidiously discriminating against the plaintiff class. The defendants' promoters act as agents for the nightclubs.

¹ The defendants are listed by their trade names or "doing business as" names. Their legal business names are Copacabana Nightclub: River Watch Restaurant, Inc.; China Club: Nightlife Enterprises L.P.; Guest House: presently unknown; A.E.R. Nightclub: AER Lounge LLC; Lotus: Lulu's LLC, and Sol: Presently unknown.

5. The plaintiff, individually and on behalf of all the others similarly situated, both past and future, challenges the practice and policy of the defendants that charges men more for admission than females or makes a man's admission more timely or economically burdensome than for females.
6. As Exhibit A shows, the defendants allow females in free up to a certain time but charge men for admission until that same time, or allow ladies in free over a longer time span than men. Examples of the defendants' commonly practiced form of invidious discrimination against men by New York City nightclubs are: "Ladies free till Midnight, Gents \$10", or "Free for ladies before 12AM, Guys are free before 11PM."
7. The class represented by the named plaintiff in this action consists of all men who were admitted to these nightclubs within the passed three years and were charged more than females or their admissions made more burdensome than for females through arbitrarily imposed time restraints.
8. The exact number of members of the class is not known, but it is estimated in the thousands; therefore, the class is so numerous that joinder of all members is impracticable.
9. There are questions of law and fact presented in this action that are common to the entire class and that affect the rights of the class:
 - a. Were the members of the class invidiously discriminated against because of their sex by having to pay more money or navigate arbitrarily imposed time restraints in order to gain admission?
 - b. Were the defendants acting under color of state law when they discriminated against the class members?
10. The claims of the named plaintiff arise out of the same discriminatory practice and course of conduct by the defendants and are based on the same legal theories as for the entire class. The plaintiff has attended these nightclubs and was charged more than females or had less time for entering a nightclub free of charge or at a reduced price.
11. The named plaintiff is an attorney admitted to practice in New York State and the U.S. District Courts for both the Southern and the Eastern Districts of N.Y., a former litigation associate at Cravath, Swaine & Moore, and is able to conduct this litigation fairly and adequately to protect the interests of the class.

WHEREFORE, the named plaintiff requests that judgment be entered in this action on behalf of himself and all other class members similarly situated as follows:

1. A declaratory judgment that the defendants practice of charging men more for admission than females or making it more timely or economically burdensome on men to gain admission violates the equal protection clause of the Fourteenth Amendment to the Constitution.

2. The defendants be enjoined from continuing their invidiously discriminatory practice against men.
3. Nominal damages to be decided by the Court.
4. And any other relief that is just and proper.

Dated: New York, NY
June 12, 2007

Roy Den Hollander (RDH 1957)
Attorney for plaintiffs
545 East 14 Street, 10D
New York, NY 10009
(917) 687 0652

KREBS DECL. EXHIBIT 5

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
Roy Den Hollander,

Plaintiff on behalf of himself
and all others similarly situated,

-against-

Copacabana Nightclub,
China Club,
A.E.R. Nightclub,
Lotus,
Sol, and
Jane Doe Promoters,

Defendants.
-----X

Docket No. 07 CV 5873 (MGC)
ECF

**NOTICE OF MOTION FOR
DISQUALIFICATION OF
JUDGE CEDARBAUM**

PLEASE TAKE NOTICE, that upon this notice of motion, attached affirmation of Roy Den Hollander, Esq. (the named plaintiff for the putative plaintiff class and tentative class counsel in this civil rights, 42 U.S.C. § 1983, class action), and the accompanying memorandum of law, the named plaintiff will move this Court on Thursday, November 1, 2007 at 9:30 PM before Judge Miriam G. Cedarbaum at the U.S. District Court, Southern District of New York, U.S. Courthouse, Courtroom 14A, 500 Pearl Street, New York, N.Y. for an Order disqualifying Judge Cedarbaum from this case for the appearance of sexual bias, sexual prejudice, and partiality against the putative class of men on whose behalf this class action was filed and the male named plaintiff. Disqualification is requested under 28 U.S.C. §§ 455(a) & (b)(1) and the Due Process Clauses of the Fifth and 14th Amendment to the U.S. Constitution.

Dated: New York, NY
October 7, 2007

/S/

Roy Den Hollander (RDH 1957)
545 East 14 Street, 10D
New York, NY 10009
(917) 687 0652

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

Roy Den Hollander,

Plaintiff on behalf of himself
and all others similarly situated,

Docket No. 07 CV 5873 (MGC)
ECF

-against-

**AFFIRMATION IN SUPPORT
OF DISQUALIFICATION OF
JUDGE CEDARBAUM**

Copacabana Nightclub,
China Club,
A.E.R. Nightclub,
Lotus,
Sol, and
Jane Doe Promoters,

Defendants.

-----X

I, Roy Den Hollander, an attorney admitted to practice in the State of New York and the U.S. Southern District Court of New York, affirm under the penalty of perjury in accordance with 28 U.S.C. § 1746 the following:

1. I am the named plaintiff and attorney who filed this civil rights, 42 U.S.C. § 1983, class action, Fed. R. Civ. P. 23(b)(2), for the violation of the 14th Amendment equal protection rights of a class consisting solely of men, including myself, who were charged more for admission than females by the defendant nightclubs or given less time than females to enter the defendant clubs for free or at a reduced price. This discriminatory practice is commonly referred to as "Ladies' Nights."

2. Judge Cedarbaum directed counsel for all parties or the parties to attend a Case Management and Scheduling Conference pursuant to Fed. R. Civ. P. 16 on October 16, 2007.

3. On Friday at 4:46 PM, September 28, 2007, defendant A.E.R. Lounge, LLC ("AER") electronically served and filed with the Court a Rule 12(b)(6) motion to dismiss this civil rights,

class action. The return date for oral argument was October 25th, which, under Judge Cedarbaum's rules, gave the plaintiff-attorney acting on behalf of the putative class until noon on October 17th to provide the Court and defendants with opposition papers.

4. On Monday afternoon on October 1st, three days after receiving AER's motion to dismiss, Judge Cedarbaum's office contacted the plaintiff-attorney acting on behalf of the class of men to inform him that the Judge was moving up the Scheduling and Case Management Conference to October 9th. Various defendants could not make that date, and the Conference was finally set by Judge Cedarbaum's office for Wednesday at 10:30 AM, October 3rd.

5. At the October 3rd Conference, rather than focusing the discussion on Case Management and Scheduling matters, Judge Cedarbaum used most of the 40 minutes of the Conference to grill with unequivocal animosity the plaintiff-attorney acting on behalf of the class about the arguments and authorities presented in AER's motion to dismiss that was served just five days earlier.

6. The plaintiff-attorney had no notice that the subject matter of the October 3rd conference was going to focus on the arguments and authorities presented by defendant AER in its request for dismissal of this civil rights class action on behalf of men. According to Judge Cedarbaum's rules, the plaintiff-attorney had until October 17th to complete his legal research and write an opposition memorandum, and would then have until October 25th to prepare for an oral hearing on AER's motion to dismiss.

7. Judge Cedarbaum short circuited the time her own rules provided for the preparation of the class' opposition to AER's motion to dismiss.

8. The factual inference is that by requiring the plaintiff-attorney to argue AER's motion to dismiss without reasonable notice was fundamentally unfair, and created the appearance that

Judge Cedarbaum was motivated by sexual bias, sexual prejudice, and partiality toward the class of men on whose behalf the male named plaintiff brought this suit.

9. During the October 3rd Conference, Judge Cedarbaum refused to appoint the plaintiff-attorney acting on behalf of the class as interim class counsel, which, in the Judge's words, turned a putative class action into a *pro se* action.

10. Judge Cedarbaum communicated that since the plaintiff-attorney who filed the case on behalf of the class of men was now *pro se*, it was likely he would not have an opportunity to an oral hearing to argue against AER's or any other defendants' motion to dismiss because her Rules (3. Motions D.) do not allow oral argument on *pro se* matters. The plaintiff-attorney would still be able to submit opposition papers as a *pro se* plaintiff.

11. The factual inference is that Judge Cedarbaum considered the October 3rd Conference as the plaintiff-attorney and the class of men he was acting on behalf of as their only chance to orally argue against AER and any other defendant's motion to dismiss, even though the other defendants had not yet filed their motions to dismiss.

12. During the October 3rd Conference's argument over AER's motion to dismiss, Judge Cedarbaum repeatedly interrupted and cut off the plaintiff-attorney's responses to her questions in the manner reminiscent of the talk show host Chris Matthews, which further handicapped the plaintiff-attorney's efforts to fight for a suit aimed at eliminating a form of invidious discrimination against men and himself.

13. At one point during the overly antagonistic interrogation on AER's motion to dismiss, Judge Cedarbaum resorted to a personal and professional insult of the plaintiff-attorney acting on behalf of the class by calling into question in a mocking fashion whether the plaintiff

was an attorney at all. At this point the plaintiff-attorney requested the Judge disqualify herself, which she denied to do.

14. Unfortunately the Conference was not recorded, as is the general policy of Judge Cedarbaum, but the lack of proper notice, the uncalled personal and professional insult, the repeated cutting-off of answers, the disdainful disregard for the plaintiff-attorney's arguments, and the jockeying by the Court to reduce a class action on behalf of thousands of men to a *pro se* case brought by a lone, individual man creates the appearance that Judge Cedarbaum, whether true or not, is biased and prejudiced against men and creates a perception that she is not impartial in these proceedings.

15. This affirmation has been made in good faith.

Dated: New York, NY
October 7, 2007

/S/

Roy Den Hollander (RDH 1957)
545 East 14 Street, 10D
New York, NY 10009
(917) 687 0652

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

Roy Den Hollander,

Plaintiff on behalf of himself
and all others similarly situated,

Docket No. 07 CV 5873 (MGC)
ECF

-against-

Copacabana Nightclub,
China Club,
A.E.R. Nightclub,
Lotus,
Sol, and
Jane Doe Promoters,

Defendants.

-----X

**MEMORANDUM OF LAW IN SUPPORT OF NAMED PLAINTIFF'S MOTION FOR
DISQUALIFICATION OF JUDGE CEDARBAUM**

Dated: October 7, 2007

Roy Den Hollander (RDH 1957)
545 East 14 Street, 10D
New York, NY 10009
(917) 687 0652

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ARGUMENT

Introduction

Although the plaintiff-attorney acting on behalf of the class of men made an oral request at the October 3rd Conference that Judge Cedarbaum disqualify herself, which was denied during the Conference, the request did not meet the requirement that oral motions must be officially recorded. Alger v. Hayes, 452 F.2d 841, 843 (8th Cir. 1972)(citations omitted). Since the request never rose to the status of a motion, this is the initial motion by the plaintiff-attorney acting on behalf of the class for disqualification of Judge Cedarbaum on the grounds of the appearance of sexual bias, sexual prejudice, and partiality against the class of men, including the named plaintiff.

The term “bias” implies a mental leaning in favor of or against someone or some persons that interferes with impartial judgment. Webster’s New World, Roget’s A-Z Thesaurus, 1999 edition.

The term “prejudice”, similar to bias but stronger, implies preconceived and unreasonable judgment or opinion marked by suspicion, fear or hatred. Id.

The term “partiality” also includes bias and prejudice but is broader and also includes “intolerance”. Id.; cf. Liteky v. United States, 510 U.S. 540, 552, 114 S. Ct. 1147, 1156, 127 L. Ed. 2d 474, 489 (1994)(Scalia, J. wrote the majority opinion).

Legal Bases for Disqualification

All parties to a case have a constitutional right to a neutral and detached judge. Ward v. Monroeville, 409 U.S. 57, 62, 93 S. Ct. 80, 84, 34 L. Ed. 2d 267, 272 (1972).

A fair [hearing] in a fair tribunal is a basic requirement of due process. Fairness of course requires an absence of actual bias in the [hearing] of cases. But our system of law has always endeavored to prevent even the probability of unfairness. ... [so] to perform [the

courts'] high function in the best way "justice must satisfy the appearance of justice." In re Murchison, 349 U.S. 133, 136, 75 S. Ct. 623, 625, 99 L. Ed. 942, 946 (1955)(words in quotation marks from Offutt v. United States, 348 U.S. 11, 14, 75 S. Ct. 11, 13, 99 L. Ed. 11, 14 (1954)(Frankfurter, J.)).

The federal statutes used for protecting a class of men and an individual male from an unfair tribunal are 28 U.S.C. § 144 and 28 U.S.C. § 455. The purpose behind §§ 144 and 455 is to promote public confidence in the judicial process; therefore, the question is not whether a judge is actually biased, prejudiced, or partial toward a party, but whether her actions make it appear so. Liteky v. United States, 510 U.S. 540, 548, 114 S. Ct. 1147, 1154, 127 L. Ed. 2d 474, 486 (1994); United States v. Brinkworth, 68 F.3d 633, 637 (2d Cir. 1995)(citing H.R. Rep. No. 1453, 93d Cong., 2d Sess., *reprinted in* 1974 U.S.C.C.A.N. 6351, 6355). The courts consider outward manifestations and the reasonable inferences drawn from them in deciding whether there exists an appearance sufficient for disqualification. Nichols v. Alley, 71 F.3d 347, 351 (10th Cir. 1995). Procedurally, § 144 requires an affidavit or affirmation, but its substantive elements are encompassed by § 455.

This motion to disqualify Judge Cedarbaum for the appearance of sexual bias, sexual prejudice, and partiality toward the named plaintiff and the putative class of men relies on 28 U.S.C. §§ 455(a) & (b)(1). To disqualify her for violating their due process rights that every litigant have fair notice of a court's proceedings, the motion relies on the fundamental fairness doctrine of the due process clauses in the Fifth and 14th Amendments to the U.S. Constitution.

These type of motions are fact driven and must not be determined by comparisons to other cases. United States v. Jordan, 49 F.3d 152, 157 (5th Cir. 1995)("each ... case is extremely fact intensive and fact bound, and must be judged on its unique facts and circumstances more than by comparison to situations considered in prior jurisprudence.").

28 U.S.C. § 455(a) Lack of Impartiality

§ 455(a) requires a judge to disqualify herself “in any proceeding in which [her] impartiality might reasonably be questioned.” § 455(a) expands the protection of § 455(b) but also duplicates some of its protection as well, such as with regard to bias and prejudice. Liteky, 510 U.S. at 552, 114 S. Ct. at 1156, 127 L. Ed. 2d at 489. Subsection (a) requires recusal in some circumstance where subsection (b) does not because it covers all aspects of partiality and not merely those specifically addressed in subsection (b). Liteky, 510 U.S. at 553 n. 2.

In determining whether to disqualify, the courts look to see whether a reasonable person given all the facts would question whether the judge was impartial. Liljeberg v. Health Servs. Acquisition Corp., 486 U.S. 847, 861, 108 S. Ct. 2194, 2203, 100 L. Ed. 2d 855, 873 (1988)(citing with approval the 5th Circuit decision appealed from). Or, stated differently, how the events appear to an objective observer, and “an observer of our judicial system is less likely to credit judges’ impartiality than the judiciary.” Jordan, 49 F.3d at 157.

This motion requests Judge Cedarbaum’s disqualification under § 455(a) for her appearance of intolerance toward the named plaintiff and the putative class on whose behalf this action was brought. During the October 3rd Case Management and Scheduling Conference pursuant to Fed. R. Civ. P. 16, Judge Cedarbaum repeatedly and with animosity prevented the named plaintiff from completing his answers to her questions by constantly interrupting him. (Affirmation ¶ 12). The plaintiff was not running off at the mouth with long-winded and circular answers but trying to explain the factual allegations and the law on which the case was based.

For example, in trying to answer the Judge’s question as to what legal authority existed for state action in regulating facilities that sold alcohol for consumption on the premises, the named plaintiff, amid numerous antagonistic interruptions, tried to recount two decisions

factually similar to this action that Judge Cedarbaum was apparently unaware of: Seidenberg v. McSorleys' Old Ale House, Inc., 317 F. Supp. 593 (1970)(Mansfield, J. found state action in granting plaintiff's motion for summary judgment); Seidenberg v. McSorleys' Old Ale House, Inc., 308 F. Supp. 1253 (1969)(Tenney, J. found state action in denying defendant's motion for a Rule 12(b)(6) dismissal). In the McSorleys' case, two females from N.O.W. were refused service at McSorleys' Old Ale House because of their sex. In the process of explaining these two decisions, Judge Cedarbaum kept interrupting that Moose Lodge No. 107 v. Irvis, 407 U.S. 163, 92 S. Ct. 1965, 32 L. Ed. 2d 627 (1965), was dispositive, which is not so because the Supreme Court factually distinguished Moose Lodge from Burton v. Wilmington Parking Authority, 365 U.S. 715, 81 S. Ct. 856, 6 L.Ed.2d 45 (1961), which was the case relied on in the McSorleys' decisions. This would have been made clear had the plaintiff been allowed to finish his answers.

Throughout the 40 minute conference, Judge Cedarbaum persistently and inimically interrupted the named plaintiff acting on behalf of the class which demonstrated an appearance of intolerance for a lawsuit aimed at eliminating a form of invidious discrimination against men.

§ 455(a) requires that the judge's lack of impartiality derive from judicial predispositions that go beyond what is normal and acceptable. Liteky, 510 U.S. at 552, 114 S. Ct. at 1155-56, 127 L. Ed. 2d at 489. Judicial conduct during the course of a hearing that is critical or disapproving of, or even hostile to, counsel, the parties, or their case, may support a partiality challenge if it reveals an opinion that derives from an extrajudicial source and reveals such a high degree of antagonism as to make fair judgment impossible. *See id.* 510 U.S. at 555, 114 S. Ct. at 1157, 127 L. Ed. 2d at 491.

The October 3rd Conference was the very first before Judge Cedarbaum, and the plaintiff-attorney had never appeared in any prior proceeding before her. The source of Judge Cedarbaum's predisposition for her apparent intolerance toward the plaintiffs' could only have come from outside the court—most likely the result of the past 40 years of feminism turning man into the new post-modern devil.¹ Further, Judge Cedarbaum kept referring to the type of discrimination alleged as defendant nightclubs charging males more for drinks than females, but that accusation does not appear anywhere in the papers filed with the Court. It is, however, the common perception among the public as to what occurs on Ladies Nights, indicating that Judge Cedarbaum's apparent intolerance was formed outside of judicial proceedings.

28 U. S. C. § 455(b)(1) Personal Bias and Prejudice

Disqualification under § 455(b)(1) also requires an objective basis. What matters is not the reality of bias or prejudice but its appearance. Liteky, 510 U.S. at 548, 114 S. Ct. at 1154, 127 L. Ed. 2d at 486. Even if the judge does not have any personal bias or prejudice toward a party or group, the appearance of such that reasonably leads one to question the judge's impartiality calls for disqualification. Thode, Reporter's Notes to Code of Judicial Conduct, pp. 60-61 (1973).

In addition to the continuing interruptions by Judge Cedarbaum (Affirmation ¶ 12), her Honor also verbally disparage the plaintiff-attorney, and presumably the class of men on whose behalf this civil rights suit was brought, with a vituperative invective communicating that it was questionable whether the man standing before her was an attorney at all. (Affirmation ¶ 13). This remark evinces a bias and prejudice against guys fighting for their rights when their success will end up reducing the preferential treatment given to females. When males pay more for the

¹ Prejudice towards a class inferred prejudice toward individual members of that class. See Berger v. United States, 255 U.S. 22, 27-29 41 S. Ct. 230, 231, 65 L. Ed. 481, 483-84 (1921)

same admission, the economics permit the defendant clubs to charge females less. Judge Cedarbaum's appearance of bias and prejudice in her denigrating remark most likely has its source in the continuing culture wars of America.

The normality of television talk shows with their catchy sound bites of personal destruction is not the normality in a court of law that's interested in the whole story, not just a sliver that serves a predisposition. Nor is it an acceptable belief in court, as with talk shows, that civility in allowing someone to finish their answer is a sign of weakness. Taken as a whole, the 40 minute conference could only be viewed by a reasonable man in post-modern America as raising serious questions of an appearance that Judge Cedarbaum has a preconceived and unreasonable opinion marked by suspicion, or at least a mental leaning against the named plaintiff and the putative class of men in this civil rights action.

No Fair Notice

The Due Process clauses of the Fifth and 14th Amendments guarantee a fundamentally fair governmental procedure when citizens' rights are at stake.² Rotunda & Nowak, Treatise on Constitutional Law, Vol. 3 § 17.8, 3rd edition. Fundamental fairness includes providing the persons whose interests are in jeopardy from court action or inaction with a form of notice reasonably designed to apprise the party of the nature of a proceeding. *See id.* at "Notice". "An elementary and fundamental requirement of due process in any proceeding which is to be accorded finality is notice reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections. The notice must be of such nature as reasonably to convey the required information,

² The right raised in this case is equal protection under the law, which is a right guaranteed by both the 14th Amendment and the "due process clause" of the Fifth Amendment. Bolling v. Sharpe, 347 U.S. 497, 498-99, 74 S. Ct. 693, 694, 98 L. Ed. 884, 886 (1954).

and it must afford a reasonable time for those interested to make their appearance.” Mullane v. Cent. Hanover Bank & Trust Co., 339 U.S. 306, 314, 70 S. Ct. 652, 657, 94 L. Ed. 865, 873 (1950)(citations omitted). This right to be heard has little reality or worth unless one is informed that a particular matter will be addressed. *See id.*

Judge Cedarbaum denied the due process rights of the named plaintiff and the putative class of men by holding a hearing on AER’s motion to dismiss without providing proper notice to the plaintiffs. She also made the finality of that hearing a *fait accompli* by indicating there would be no other subsequent oral hearing on motions to dismiss even though the four other defendants had not yet filed their motions. She accomplished this by refusing to appoint the plaintiff-attorney as interim class counsel which allowed her to treat the case as a *pro se* matter. *Pro se* matters under her rules are not allowed a hearing.

The October 3rd Case Management and Scheduling Conference, at which the beginning stages of a case’s tentative schedule are normally set, was turned into a hearing on the named plaintiff and the putative class of men’s opposition to defendant AER’s motion to dismiss. The problem was that the plaintiff class’ opposition wasn’t due until October 17th with a hearing set for October 25th. The original date for the Case Management and Scheduling Conference was October 16th. Had the Court kept to that date, the plaintiff-attorney would have already conducted the necessary legal research and written an opposition, so by using the original date of October 16th as a hearing on the plaintiff class’ opposition to dismissal would not have jeopardize the equal protection rights of the named plaintiff and the putative class of men. But the Court chose not to do that. Instead, after receiving on Friday at 4:46 PM, September 28th, AER’s motion to dismiss, the Court, three days later, began on Monday afternoon, October 1st, to move up the Case Management and Scheduling Conference to an earlier date. By Tuesday

morning, October 2nd, the Conference's new date was set for the very next day, Wednesday, at 10:30 AM on October 3rd. Even had the plaintiff class been notified, which it wasn't, to come prepared to counter AER's motion to dismiss, it would have been impossible to complete the necessary research and organize it into a cogent argument in opposition. It may be that the changing of the original Conference to an earlier date was pursued, perhaps with some fortuity, perhaps not, to maximize the chances that the plaintiff-attorney would not be in a position to counter Judge Cedarbaum's arguments for dismissing the case.

The substance of Judge Cedarbaum's arguments for dismissal were similar to those in AER's motion to dismiss papers. Her Honor apparently adopted AER's key argument that there is no state action involved in the defendants discriminating against men. The Judge and AER argued that licensing alone by the State of New York or New York City is not state action and no federal court has held such, which is correct. But that's not the test for state action. The entire nature of the relationship between New York's Division of Alcoholic and Beverage Control and the New York City Department of Consumer Affairs with the defendant nightclubs must be examined. Normally that's done in discovery—not a Scheduling Conference. The Judge and AER also relied on the U.S. Supreme Court decision: Moose Lodge No. 107 v. Irvis, 407 U.S. 163, 92 S. Ct. 1965, 32 L. Ed. 2d 627 (1965), as holding that a liquor license did not infer state action. But neither the Judge nor AER pointed out that this case was distinguishable from Moose Lodge. Moose Lodge No. 107 was a private club; the defendants here are all public accommodations. When appraised of that fact by the plaintiff-attorney, her Honor stated she doubted whether the phrase "public accommodation" even appeared in the Moose Lodge case. It does—five times. The Judge and AER, in their arguments for dismissal, also failed to mention two decisions, by two different judges, in the very same court that Judge Cedarbaum sits and

where this action was brought. Those decisions in the McSorleys' case found state action when McSorleys' Tavern, regulated by the New York State Division of Alcoholic and Beverage Control, discriminated against two females from N.O.W. by refusing to serve them because of their sex. Seidenberg v. McSorleys' Old Ale House, Inc., 317 F. Supp. 593 (1970)(Mansfield, J. found state action in granting plaintiff's motion for summary judgment); Seidenberg v. McSorleys' Old Ale House, Inc., 308 F. Supp. 1253 (1969)(Tenney, J. found state action in denying defendant's motion for a Rule 12(b)(6) dismissal). Both of the McSorleys' decisions relied on Burton v. Wilmington Parking Authority, 365 U.S. 715, 81 S.Ct. 856, 6 L.Ed.2d 45 (1961), for finding state action. When the U.S. Supreme Court decided Moose Lodge, that Court distinguished Moose Lodge from Burton, in part, by stating, "Unlike Burton, the Moose Lodge building is located on land owned by it, not by any public authority. Far from apparently holding itself out as a place of public accommodation, Moose Lodge quite ostentatiously proclaims the fact that it is not open to the public at large. Nor is it located and operated in such surroundings that although private in name, it discharges a function or performs a service that would otherwise in all likelihood be performed by the State. In short, while [in Burton there] was a public restaurant in a public building, Moose Lodge is a private social club in a private building." While Burton isn't completely similar to this case, Moose Lodge is clearly distinguishable. But both Judge Cedarbaum and AER ignored that.

They also ignored that the U.S. Supreme Court cited with approval to the 1970 McSorleys' decision on state action when it stated, "both federal and state courts uniformly have declared the unconstitutionality of gender lines that restrain the activities of customers of state-regulated liquor establishments...." Craig v. Boren, 429 U.S. 190, 208, 97 S. Ct. 451, 462, 50 L. Ed. 2d 397, 413 (1976)(This is dicta, although persuasive dicta.)

In addition to the deprivation of the due process rights of the plaintiff class by failing to provide adequate and timely notice, Judge Cedarbaum has succeeded in reducing a civil rights class action, on behalf of thousands of men, into a *pro se* action by a lone, individual male. Reality would seem to imply that it is more publicly palatable to dismiss a case against one, lone man than thousands, although in this day and age in America, it is becoming increasingly commonplace to ignore the rights of all men.

A dismissal without certifying the class, likely assures that no other man will bring another individual or class suit for the same or similar invidious discrimination because of the expense, judicial hostility, and the barrage of social opprobrium engendered by his audacity to fight for the rights of a man or men. The end result will be that questionable procedural decisions will enshrine invidious discrimination against males while in virtually identical situations, such as the McSorleys' case, females rights will remain protected.

CONCLUSION

Judge Cedarbaum's conduct during the 40 minute conference revealed a high degree of favoritism to the beneficiaries of the defendant nightclubs' discrimination—females. Every extra dollar a guy pays is a dollar a female doesn't pay for admission. The Conference also revealed a high degree of antagonism to the named plaintiff and the class of men on whose behalf he was acting. Both the favoritism and antagonism make a fair judgment in this civil rights case near impossible.³

If there is any doubt about Judge Cedarbaum's appearance of sexual bias, sexual prejudice, and partiality, just switch the sexes. Consider how the named plaintiff would have

³ Where the question is a close one, then the judge should disqualify herself. Nichols, 71 F.3d at 352.

been treated had an accident of nature made him a female, and she was suing on behalf of thousands of other females because the defendant nightclubs charged ladies more for admission than guys on “Men’s Nights”.

Dated: New York, NY
October 7, 2007

/S/

Roy Den Hollander (RDH 1957)
545 East 14 Street, 10D
New York, NY 10009
(917) 687 0652

KREBS DECL. EXHIBIT 6

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x

Roy Den Hollander,

Plaintiff on behalf of himself
and all others similarly situated,

Civil Action No. 07 CV 5873 (MGC)

-against-

Copacabana Nightclub,
China Club,
Guest House,
A.E.R. Nightclub,
Lotus,
Sol, and
Jane Doe Promoters,

Defendants .

-----x

**DECLARATION OF DEBORAH SWINDELLS DONOVAN
IN OPPOSITION TO PLAINTIFFS MOTION TO
DISQUALIFY JUDGE CEDARBAUM**

Deborah Swindells Donovan, an attorney duly admitted to practice in the State of New York, hereby affirms the following under the penalty of perjury:

1. I am a partner with the law firm of Gordon & Rees, L.L.P., counsel for Defendant Lotus, one of the nightclubs named in the within action. As counsel for Lotus, I am fully familiar with the facts set forth herein. This Declaration is submitted in opposition to the frivolous Motion To Disqualify Judge Cedarbaum, filed by Plaintiff Roy Den Hollander on or about October 7, 2007. I attended the October 3, 2007 Initial Pretrial Conference (the "Conference") that Plaintiff unsuccessfully submits provides a basis for his motion to disqualify Judge Cedarbaum.

2. In my twenty-four years as a practicing attorney, who appears primarily in federal court, Plaintiff's contention that he "had no notice that the subject matter of the [Conference] was

going to focus on" the Motion To Dismiss filed by Defendant AER (Plaintiff ¶ 4),¹ is at best disingenuous. At such initial conferences, many judges discuss the merits of a case and ask the parties to justify the positions they are taking. An attorney appearing at such conferences is expected to be able to answer substantive questions about the case. There certainly is no authority to support the novel suggestion made by Plaintiff that such a conference is limited to discussion only of case management and scheduling orders. Plaintiff ¶ 5.

3. Judge Cedarbaum, consistent with this practice, merely pointed out that there was a jurisdictional question as to whether Title 42, United States Code, Section 1983 authorizes Plaintiff to file this lawsuit, alleging that private nightclubs which hold "Ladies' Nights as a promotion to encourage higher attendance, constitutes gender discrimination. In general, plaintiffs may not challenge private action by means of Section 1983. There must be state action, which on the face of the Complaint, appears to be absent in this case. Judge Cedarbaum simply asked questions of Plaintiff concerning jurisdiction.

4. There is absolutely nothing but conjecture to support Plaintiff's suggestion that the change to an earlier conference date was a conspiracy on the part of the Court to catch him unprepared to address the merits of his case or respond to AER's jurisdictional motion. Plaintiff ¶¶ 4-8. In any event, Plaintiff was not unprepared; he argued his position at length and Judge Cedarbaum permitted him to speak for a substantial period of time.

5. Plaintiff's assertion that the Court somehow improperly "reduce[d] a class action on behalf of thousands of men to a *pro se* case brought by a lone, individual man" is entirely unwarranted. Plaintiff ¶ 14. As a matter of law, Plaintiff is representing himself in this case; thus he is *pro se*. Further, no class has been certified. Thus, this is not yet a class action. The Court's comments on the status of the case accurately reflect its current procedural posture.

¹ "Plaintiff ¶ ____" refers to the Affirmation of Roy Den Hollander, dated October 7, 2007 and submitted in support of his motion to disqualify Judge Cedarbaum.

They do not reflect Judge Cedarbaum's views on the merits of the case, despite Plaintiff's baseless assumption that these comments somehow demean the lawsuit. Plaintiff ¶¶ 9, 14.

6. Judge Cedarbaum's denial of Plaintiff's application to serve as interim class counsel was simply a judicial ruling. Plaintiff futilely tries to convert this judicial ruling into a sinister effort to rob Plaintiff of his opportunity to present oral argument in opposition to the defense motions to dismiss. Plaintiff ¶¶ 9-11. This convoluted argument rests on the Judge's individual rules, which do not provide for oral argument of motions in *pro se* cases. But the Court did not definitively state she would not hold oral argument in this case, where Plaintiff is *pro se* but also is a lawyer admitted to practice in this State. Before appointing class counsel, interim or otherwise, the question of jurisdiction must be resolved to determine whether the case will continue or be dismissed. There is nothing but Plaintiff's imagination to support the assertion that she had ulterior motives in denying his application to serve as interim class counsel.

7. During the conference, The Court set a return date of November 29, 2007 for all the jurisdictional defense motions. According to Judge Cedarbaum's individual practice rules for motions, therefore, the motions must be filed by November 7, 2007. Plaintiff then will have an opportunity to oppose all defense motions at once, by November 21, 2007, rather than submitting one opposition to the motion already filed by AER (the opposition deadline for that motion would have been October 16, 2007) and then file additional piecemeal oppositions to the other defense motions expected to be filed. Judge Cedarbaum did not "short circuit" Plaintiff's time to oppose AER's motion, despite Plaintiff's assertion otherwise. Plaintiff ¶ 7. Instead, she actually provided him with more time to submit written papers than he otherwise would have had.

8. The oral exchange between Judge Cedarbaum and Plaintiff on a fundamental question of law, namely the Court's jurisdiction, absolutely did not exhibit any animus,

antagonism or disdain on the Judge's part toward men. Plaintiff ¶¶ 5, 13, 14. Rather, the exchange reflected the Court's concern that it might lack jurisdiction, and she questioned Plaintiff extensively concerning this potential issue. When Plaintiff identified two lower court decisions in support of his position, Judge Cedarbaum invited him to send her those cases, thereby demonstrating her receptiveness to legal authority that supported Plaintiff's premise that the extensive regulation by the State is sufficient to constitute the necessary state action to confer Section 1983 jurisdiction.

9. Plaintiff's characterization of the Judge as "repeatedly interrupt[ing] him and cut[ting him] off" is inaccurate. Plaintiff ¶ 12. Rather, it was my observation that Plaintiff repeatedly interrupted Judge Cedarbaum, raising his voice in an effort to keep the Judge from finishing her remarks.

10. Plaintiff's accusation that Judge Cedarbaum "was motivated by sexual bias, sexual prejudice, and partiality toward the class of men on whose behalf the male named plaintiff brought this suit" is fantasy. Nothing was said by the Court that possibly could be construed as reflecting discriminatory animus against men. The conference focused solely on the jurisdictional question, not the substance of whether "Ladies Nights" discriminate against men. The accusation that the Judge is sexually biased or prejudiced against men is merely self-serving speculation.

11. This speculation stands in stark contrast to Plaintiff's unrelenting bias against females. Perhaps Plaintiff would prefer a male judge, given his negative stereotypes of women on the Internet, frequently referring to them as "feminazi." The attached Exhibit A includes examples of Plaintiff's invective against women. It is my understanding these "articles" appeared on the Internet. I personally have read diatribes by Plaintiff on the Internet which are entirely consistent with many of the views expressed in this exhibit. Unfortunately, I did not save them because Plaintiff's opinion of women is not at issue in the lawsuit he has brought. Had I

known he would level a baseless charge of gender discrimination against Judge Cedarbaum personally, I certainly would have retained them as they unequivocally reflect his misogyny. The articles suggest Plaintiff is challenging Judge Cedarbaum's impartiality simply because she is female, not biased. Plaintiff is the one who is sexually biased, not Judge Cedarbaum.

Dated: New York, New York
October 23, 2007


Deborah Swindells Donovan (DD 3421)

EXHIBIT "A"

Saturday, September 02, 2006 11:56 AM

Fear Corrupts

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The purpose of the Feminist Movement is not equality, justice or freedom, but power—power over men. Virtually every female lives with a never-ending fear that just about any man has the physical power to do with her as he wishes. He can beat her up, rape or kill her with his bare hands, providing no one else is present to prevent it. She does, however, have recourse to the courts, and if she is dead, the prosecutor will try to avenge her, but when a female faces a man in a situation of imminent physical violence, she's powerless.

This lack of power to protect their own beings has driven many females to an uncontrollable fury and madness that has spawned a slithering, insidious, malicious obsession to control men totally by gutting their freedom of thought and speech and relegating them to the non-human status of beasts.

Feminists, or more appropriately Feminazis, use well-proven totalitarian tricks to reach this end. They propagandize their goal as liberation of all females, but in reality they aim to warp society's institutions into a big sister that relentlessly attacks, humiliates and demoralizes men.

The Feminazis profess their aim is to raise the consciousness of men and females, but they are actually carrying out a campaign of indoctrination and social pressure by assuming the role of scolding mothers or shrews. Their true goal is to domesticate men into sheepish little boys who will blindly obey their self-righteous, hypocritical and bigoted whims.

Having tasted social power, the Feminazis will not stop until they reshape America and eventually the world into an intolerant hell complete with thought-control, inquisitions, intimidation, enslavement and, as one Feminazi priestess advocated, a reduction in the male population to 10%. Perhaps the reduced male population will be kept in protective hamlets surrounded by armed guards and barbed wire where females can safely pick out their pleasure for the night and where females' fears remain entombed.

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Saturday, August 12, 2006 12:43 PM

Two Sides

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When I worked for Metromedia TV News, now Fox News, there was only one way out of the newsroom and above that door was a sign: "Each story has two sides—make sure you get both." That maxim is no longer followed by the effete, eastern intellectual, white trash, elitist media.

Today, the fifth estate kowtows to the current, political-correctionalist propaganda of depicting females as victims and men as oppressors. The news media and Hollywood portray the role of wife as dreadful and that of the husband as enviable. As with other superficially, politically naive analyses, the Feminazi infested media often fails to look beyond its members own biased beliefs to the reality of being a husband in feminarchy America

Everyday the husband leaves the house and children to trade 8, 10 or 12 hours of his life for the means to provide for his wife and offspring. Beyond food and housing, he must satiate her voracious appetite for material goods in her Sisyphean effort to keep up with Mrs. Jones; assuage her relentless vanity with expensive jewelry, perfumes, clothes and cosmetics; appease with social status her vindictive, vitriolic ranting as age lines her face; satisfy junior's whining for a new toy, bicycle or car; and fulfill his daughter's limitless greed for MTV hyped products.

At work, the husband must win out over others or jeopardize the means of satisfying his insatiable dependents. Job stress is an ever-present companion that contributes to the seven years shorter life span men have as compared to dames. Many husbands, however, do not have to worry about stress, because

their assigned role as serfs to princesses lands them in jobs that kill before stress has a chance to even raise their blood pressure. In the ten most hazardous jobs in America, over 90 percent of the workers are men. Every year industrial accidents kill twelve times more men than girls.

When an unfriendly nation decides to invade a husband's homeland, he, not his wife, will be drafted. The husband will go fight in order to protect his family and their way of life. In the twentieth century, 99 percent of the soldiers killed in wars were men. Perhaps death is the easy way for men to survive a war. Of the over two million young American men who served in Vietnam, approximately 800,000 suffer from post-traumatic stress syndrome. I wonder if any of these guys would have traded washing dishes for the hell they went through and are still suffering from.

In an emergency situation, females, including wives, and children are rescued first while men, including husbands, wait, hoping the grim reaper's scythe swings slowly enough for them to escape.

When the bottom of the economy falls out, the main provider of a family, usually the husband loses his job, which requires the family to seek government assistance. Some welfare programs require the husband to leave his home before the wife and children can receive support. As a result, the wife still has her children and a roof over her head while the husband walks the indifferent streets alone. Approximately 90 percent of America's three million homeless are men—not a few because of lost jobs stolen by broads.

At the other end of the economic scale where both husband and wife have well paying jobs, government and private support groups' discrimination against men has virtually no effect. But a form of male discrimination still exists. When the wife has a child, she often has the option to leave work to raise the child, to work part-time or return to work full-time. The husband also has three options: to continue working, to continue working and to continue working.

Finally, the burdens foisted on husbands and all men by this wo - man's nation cause men to commit suicide five times more often than females. For example, the Vietnam War killed around 58,000 young men; since that war's end, over 58,000 men who served in Vietnam have committed suicide.

When the Feminazis ask, "My God, who would want to be a wife?" Given the alternative—many.

posted by [admin](#) with [1 Comments](#)
 Saturday, August 12, 2006 12:25 PM

An Invisible Weapon

© Roy Den Hollander, 2006

Physical violence mainly injures the body while emotional distress sears the mind. Contemporary feminazi groups and the political-correctionalist media and politicians incessantly depict husbands and boyfriends as brutal batterers of their innocent, defenseless wives and concubines. Trendy beliefs claim that a large percentage of America's 50% divorce rate results from the genetically programmed physical violence of men against females. The media, populace and politicians, however, ignore the incapacitating violence of emotional distress that wives and girls batter their beaus with day after day, year after year, which ends in a divorce, early grave for the husband or lawsuit against the man. Females intentionally or recklessly inflict emotional pain on a man with words, intonation of voice, facial demeanor and acts or patterns of behavior, often over a long period of time. For example, every time a guy leaves the refrigerator door open for more than some arbitrarily time limit set by his girl, the domineering paragon of everything correct barks "shut the door!" Over time, opening the refrigerator can become an unpleasant task—not unlike touching a live wire. Or the reckless, maybe intentional keeping of letters from the wife's lover in a place for the husband to find them in order to shatter the world of a faithful husband, especially if her sexual escapades occurred in the year prior to the birth of a child. As

the genetically evil female well knows, a nauseating doubt will plague the husband until the day he dies that his child may not be his. What redress for the pain she caused would the husband have in feminism America? none! In Russia, he could find some justice by slapping her around a bit, and if she called the cops, they'd help him out.

Girls have the advantage in America because physical violence is easy to prove: it leaves physical marks that a camera can record. Emotional violence, however, stalks the invisible world of the mind, which makes it a near perfect weapon. Husbands and boyfriends can't take pictures of the pain broads intentionally and recklessly cause them. Big Sister America is using that fact to tie men's hands, so they can no longer defend themselves against their girlfriends or wives twisting the blade of emotional pain through their hearts.

When will we see advertisements paid for by taxpayer dollars giving men a number to call to get some ragging, nagging, malicious broad to shut her yap? Not until science invents a technique for measuring emotional distress. Until then, a man has no choice but to follow Mother Nature, regardless of the cost, and slap the broad across the chops to stop the barrage of emotional bullets spewing from her tongue, which, of course, has always been a girl's gun.

posted by [admin](#) with [0 Comments](#)

Wednesday, July 05, 2006 4:43 PM

A Different Time

A propeller driven plane drones somewhere overhead far out of sight. Its low monotone humming envelops a warm, spring Sunday afternoon somewhere in the 1950s. I sit on my 24 inch, black, single-gear Schwinn bicycle, keeping my balance by holding onto the door handle of an old, blue, four-door 1947 Dodge.

My consciousness pauses at the moment, feeling vaguely sad for no discernible reason. The week's events ended with this gift of nothing to do: no homework, no television shows, no new housing developments to explore or classmates able to come out and play.

The dead-end street needs a new asphalt topping. Where I am balance on the side, the asphalt has broken up into small gravel-like stones with an isolated weed sprouting up here and there. It is still early spring, the lawns are just beginning to turn green and the tulips and dogwood buds remain closed, waiting for a few consecutive days of warm weather. The air smells fresh, warmed slightly by a gentle breeze.

The droning airplane fills the vacuum of silence on this street with modest middle-class houses in this small suburban town, whose claim to fame will not come until the end of the next decade. Of all the towns in America, this town will have the second highest number of persons per capita to die in Vietnam—all of them men, of course, and all of them guys I knew.

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Friday, May 12, 2006 3:21 PM

Do Men Cause the Wars?

By Roy Den Hollander

During a trip to the evil empire—formerly the Soviet Union but still as evil as ever—a budding middle-aged Feminazi translator sternly ended her exposition about a battle depicted in a World War II museum outside Moscow with “Men cause the wars!” The American academicians and others along on the tour, including the males who were no longer men, nodded approvingly. Not me, my juvenile delinquent attitude, which I’ve never been able or wanted to outgrow, made me speak up—“Tell that to the guys pushing up daisies in the Falklands!” That shut the broad’s duplicitous mouth.

The Falklands, however, was just one war in which a female, Margaret Thatcher, helped kill 252 British and 655 Argentine soldiers, sailors, and airmen while doing in only three British females. What about all the other wars? Men certainly die in them in greater numbers than girls: the first Iraq war totaled about 22,000 men on both sides to 11 American female combat deaths and in Vietnam 58,185 American men to 8—that’s right—8 American females. But are guys the sole cause of that which destroys so many more men than broads? The National Organization of Witches (N.O.W.) and other

modern-day matriarchic tyrants would have us believe so because it infers that if men cause the wars, than they get what they deserve in war.

Let's look at the first Iraq war and April Glassby, the American ambassador to Iraq in 1990. She met Saddam Hussein just before he invaded Kuwait. At that time, there was rising tension between Iraq and Kuwait, Iraq was mobilizing and there were reports that Saddam might move across the border. So what did April tell Saddam at their meeting: the United States had no obligation to defend Kuwait. How dumb can you get! For dames it has no limits, especially in situations suited for men. Maybe April didn't want to offend Saddam's sensitivities by popping his illusion as the modern day Saladin. Whatever the reason for her stupidity, after April tells Saddam "green light," he naturally invades "as would any guy when a girl gives him the go-ahead" even though April probably meant "red light." What was Saddam suppose to do "read the bimbo's mind"? So he invades, figuring the U.S. won't intervene because that's what its ambassador said, and if the U.S. won't than no one will.

As for Viet Nam, lots of contributing factors went into bringing us that war, including the 1.8 million more votes Lyndon Johnson received from females than men in 1964. Of course, those bimbos didn't swing the election and Barry Goldwater might have dragged us into the same quagmire, but just looking at history as it played-out shows that more girls than guys were responsible for re-electing LBJ who turned Viet Nam into a male meat grinder.

How about the big killer of men "World War II"? The war that prompted the bimbo Russian translator to blame only men. This requires a little history "something the Feminazis are excellent at ignoring or re-writing.

The treaty ending the First World War set up the League of Nations. In order for the League, like the United Nations today, to have any power required America as a member. The League ended up including most of Europe, including Germany, as well as Japan and China "but no U.S. Here's why: President Woodrow Wilson and the leader of the Senate, Henry Cabot Lodge, had some disagreements over the League. Since the Senate would have to approve the treaty that called for U.S. membership, a compromise was crucial and likely because both men were politicians. But when Wilson suffered a stroke, his wife, in effect, took over as President "that doomed any chance of an agreement. When was the last time you tried to reach a compromise with a female? It's not possible! To broads "compromise" means only one thing: Do it their way! Without the U.S., the League ultimately proved incapable of preventing aggression by the Axis Powers in the 1930s, which culminated in World War II.

Another Mistress of War includes Queen Victoria with her campaigns of imperialism in Africa: the Anglo-Zulu War and the two Boer Wars. The Queen used 250,000 troops to conduct a scorched earth policy against the Boers and throw Africans and Boers into concentration camps: 27,927 Boers (of whom 22,074 were children under 16) and about 20,000 Africans died of starvation, disease and exposure. In all, about 25% of the Boer inmates and 17% of the African ones died. Concentration camps weren't new in 1900, but under the British matriarch Victoria, they wreaked an unprecedented toll of human misery. The Second Boer War alone cost around 75,000 lives " 22,000 British soldiers, 6,000-7,000 Boer soldiers, 20,000-28,000 Boer civilians and perhaps 25,000 Africans. The population of the world back then was 26% of what it is now, so multiply these figures by four to understand the scope of feminine barbarity.

Then there's one of the all time Hoing champs: Catherine the Great of Russia. Ho Catherine started or instigated a number of wars in order to expand her domain to the South and East into the Ottoman Empire and bite off pieces of Poland in the West. Her eminence killed plenty men in order to add some 200,000 square miles to Russian territory, and when finished, she had bankrupted the county. The current German chancellor Angela Merkel has a picture of Catherine the Great in her office because, as Angela says, "Catherine was a strong woman," which in Feminaziese means an unabashed Ho and destroyer of men.

There are plenty of other female tyrants throughout history who have unleashed the irrational fury of their twisted emotions when slighted, given vent to their insatiable greed and blown mindlessly passed

the chance of a compromise to kill plenty of men and others. The Feminazis conveniently ignored history hoping us guys will do the same and buy into their con of the empathetic female leader. Donâ€™t be fooled; broads are only empathetic so long as theyâ€™re looking in the mirror. The fighting and dying in wars will always fall on the shoulders of men, so it seems wise that to avoid unnecessary wars, men should keep bimbos out of the political decision making process.

posted by [admin](#) with [2 Comments](#)

[Friday, March 24, 2006 11:54 PM](#)

[Some Differences: Men v. Girls](#)

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Feminazi propaganda claims that except for a few mounds of flesh and "gender" organs, there's basically no difference between men and girls. They say broads can do virtually anything men canâ€™perhaps, but can they do the tasks evolutionarily suited for men as well as men? Not in the real world they can't.

Would you waste time and money watching a bunch of broads trying to play basketball when you can catch a higher quality of ball played by men in college or the NBA? I don't think so. Of course, if the girls play in their tongs and halter tops, that's different. If you need someone to do your taxes, you'd be a fool to use a bimbo. Studies at Vanderbilt University show that thirteen times more boys than girls score above 700 on the math part of the SAT. Why risk going to jail because some feminazi ditz can't add? Or what about investing the money for which you had to put up with so much grief to earn in an economy where over 50% of the jobs are held by dames? Are you going to hand it over to some vain Feminazi such as the former CEO of Hewlett Packard who spent lots of company resources and time aggrandizing herself while the stock dropped 55%? On the other hand, when it comes to prostitution ringsâ€™invest with the sluts. Los Angeles recently busted the largest call girl operation in its history that had raked in five to eight million in just 22 months. It was run by broads: a 42 year-old Russian whore and her 22 year-old harlot daughter who is still on the lam. Money for sex-any broads natural calling.

But when it comes to the work Mother Nature made men for, girls don't cut it. So the next time some Feminazi gives you that stern, serious lookâ€™like the one your mother did when trying to tell you something that made no senseâ€™and says, "I'm a strong and independent woman," meaning she's as good and tough as a guy, ask her to step outside. "Excuse me!" She'll indignantly respond in a tone meant to intimidate. Reply with "I'm challenging you to a duel. Let's see how strong, independent and tough you really are. You can even choose the weapons, so long as they're not T and As or duplicity." That'll shut her yap.

Feminazi proselytizing even demands us to believe that girls are better suited for certain male activities-only the high paying and powerful ones of course-because broads are more compassionate and caring. Nobody wants a compassionate general, but let's see whether bimbos really are "compassionate." Take a husband and wife who both work. While driving, the wife slams into another car-not surprising since she's running her mouth on a cell phone and between breaths and gibberish, she's sucking down a coffee latte. She ends up in the hospital-good-for weeks. The family income is cut, but the husband's main concern is that she's okay and gets well. He knows they'll make it through the financial crunch. Reverse the situation. The husband is broadsided by some bimbo yakking on her cell phone and sipping a coffee latte. The accident, more like recklessness, sends him to the hospital for weeks. The wife's only concern is the impact on her of the loss of income and sex. Sex, unless she's an adulteress, which most wives are until men no longer find them attractive. While this example shows females as being less compassionate than men, it does show them as equals in one sense: both are primarily concerned about the wife.

Although girls are not as competent as men at many tasks; they aren't powerless. Mother Nature gave them the ability to use sex, sexual favors and sympathy to win what they want. But feminarchy America now allows them to habitually get away with conduct they never could have before. Feminazis believe the universe exempted them from civilized conduct by making them female even though that was just an accident.

Some examples: Has a girl ever summarily pushed you out of the way in a crowded night club or in a stampede to squeeze her fat ass into a bus or subway spot that could fit only one of her cheeks? What

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
Roy Den Hollander,

Plaintiff on behalf of himself
and all others similarly situated,

Civil Action No. 07 CV 5873 (MGC)

-against-

Copacabana Nightclub,
China Club,
Guest House,
A.E.R. Nightclub,
Lotus,
Sol, and
Jane Doe Promoters,

Defendants .

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**MEMORANDUM OF LAW IN OPPOSITION TO PLAINTIFF'S MOTION TO
DISQUALIFY JUDGE CEDARBAUM**

PRELIMINARY STATEMENT

Plaintiff's Motion To Disqualify Judge Cedarbaum as biased against men is baseless and unconscionable. This motion is nothing more than a transparent attempt to escape a judge who has questioned the appropriateness of hearing Plaintiff's Complaint in federal court on jurisdictional grounds. During the Initial Pretrial Conference, as many federal judges do, Judge Cedarbaum asked Plaintiff about his lawsuit. Primarily, she properly asked Plaintiff numerous questions about whether his case, claiming gender discrimination against private nightclubs, properly was brought in federal court under Title 42, United States Code, Section 1983. That statute authorizes discrimination lawsuits only where there is state action. There is a legal question as to whether the requisite state action exists in this case simply because the nightclubs are highly regulated by the State of New York. That is Plaintiff's position but there is substantial case law to the contrary, which Judge Cedarbaum appropriately raised.

Plaintiff absurdly mischaracterizes this questioning of the jurisdiction of his motion as premature "oral argument" on a motion to dismiss filed by Defendant AER, which challenges the jurisdictional basis for Plaintiff's case. He claims he was not given fair notice that the motion would be argued, despite the fact that it was not argued. Defendant AER did not argue the merits of its motion at all, while Plaintiff was given substantial opportunity to present his legal arguments in opposition to the topic.

It is undeniable that Plaintiff is appearing *pro se*. Likewise, it is undisputed that no class has been certified yet. Thus, Judge Cedarbaum correctly addressed the present status of the case. Plaintiff nonetheless speculates that she denied his request to be appointed as interim class counsel in order to deny him an opportunity to argue his case orally in the future, in light of Judge Cedarbaum's rule that she does not hear oral argument in *pro se* cases. Of course, there are no facts upon which to conclude this was her reason; it well could have been Plaintiff's conduct in court, which was far less than exemplary.

Indeed, Plaintiff continuously cut the Judge off, raising his voice to speak over her. Somehow, he reverses this fact, asserting instead that the Judge was cutting him off. She has every right to stop a litigant appearing before her from continuing and such a trivial incident cannot possibly warrant disqualification. The same is true of Plaintiff's mischaracterization of the Court's attitude toward him as disdainful. First, this is his self-serving opinion. Second, he essentially is arguing that because Judge Cedarbaum disagreed with him, based on her knowledge of legal authority contradicting his position, she was disdainful toward him. Plaintiff cannot prohibit a judge who disagrees with him on the proper interpretation of the law in a transparent effort to forum-shop until he gets a judge more to his liking, *i.e.*, male and sympathetic to his crusade to eliminate Ladies Nights as discriminatory against men

ARGUMENT

As the Second Circuit Court of Appeals has stated, 'a judge is as much obliged not to recuse [her]self when it is not called for as [s]he is obliged to when it is.'" *Aguinda v. Texaco, Inc.*, 241 F.3d 194, 201 (2d Cir. 2001)(citation omitted). Not surprisingly, Plaintiff fails to mention this significant judicial obligation in his motion. Yet this is the standard against which Plaintiff's trivial and largely imagined slights by Judge Cedarbaum must be measured. He falls woefully short of demonstrating that Judge Cedarbaum should relinquish her responsibilities as a District Court judge because of his petty complaints.

Furthermore, in a case relied upon by Plaintiff, the court emphasized that the recusal statute "must not be so broadly construed that it becomes, in effect, presumptive, so that recusal is mandated upon the merest unsubstantiated suggestion of personal bias or prejudice." *Nichols v. Alley*, 71 F.3d 347, 351 (10th Cir. 1995)(citations and internal quotations omitted).

Motion at 2.1 Yet this is precisely what Plaintiff is attempting to do here---disqualify Judge Cedarbaum on an entirely unsubstantiated allegation of personal bias against men.

I. PLAINTIFF WAS NOT DEPRIVED OF NOTICE THAT THE MERITS OF HIS CASE MIGHT BE QUESTIONED DURING THE CONFERENCE

Federal court judges often expect litigants to be prepared to address the merits of their case during an Initial Pretrial Conferences, such as that held by Judge Cedarbaum in this case at the October 3, 2007 conference (the "Conference"). Donovan ¶ 2. This is precisely what the Judge did. Such a normal practice hardly provides credible grounds to disqualify her from the case. The *Nichols* case expressly dismisses this type of inquiry as justifying recusal. In listing some examples of judicial conduct not requiring recusal is "mere familiarity with the defendant(s) or the type of charge, or kind of defense presented." 71 F.3d at 351.

Rather, Judge Cedarbaum, consistent with many judges' practice at initial conferences, demonstrated familiarity with the defense raised in Defendant AER's Motion To Dismiss. Donovan ¶ 3. Based on her understanding of the relevant case law, Judge Cedarbaum asked Plaintiff to address the jurisdictional question as to whether Title 42, United States Code, Section 1983 authorizes Plaintiff to file this lawsuit, alleging that private nightclubs which hold "Ladies' Nights" as a promotion to encourage higher attendance, constitutes gender discrimination. *Id.*

In general, plaintiffs may not challenge private action by means of Section 1983. There must be state action, which on the face of the Complaint, appears to be absent in this case. Judge Cedarbaum appropriately asked questions of Plaintiff concerning whether extensive regulation by the State of New York is sufficient to convert the acts of private nightclubs into

¹ "Motion at ____" refers to the Memorandum of Law submitted by Roy Den Hollander in support of his motion to disqualify Judge Cedarbaum. "Plaintiff ¶ ____" refers to his supporting Affirmation, dated October 7, 2007. "Donovan at ____" refers to the Declaration of Deborah Swindells Donovan, dated October 24, 2007 and submitted in opposition to Plaintiff's disqualification motion.

state action. *Id.*; Donovan ¶ 8.

Plaintiff's suggestion that he was ambushed because initial conferences should be limited to case management and scheduling orders is preposterous. Plaintiff ¶ 5; Donovan ¶ 2. Indeed, the entire idea that Judge Cedarbaum engaged in some sort of conspiracy to deprive Plaintiff of his right to argue that the Court does have jurisdiction in this case, in opposition to Defendant AER's motion, can only be explained as a figment of his imagination. Plaintiff ¶¶ 4-8.

There is absolutely nothing but conjecture to support his assertion that the Court tried to catch him unprepared to address the merits of his case or respond to AER's jurisdictional motion. *Id.* In any event, Plaintiff was not unprepared; he argued his position at length and Judge Cedarbaum permitted him to speak for a substantial period of time. Donovan ¶ 4.

Further, the Court set a return date of November 29, 2007 for all the jurisdictional defense motions. According to Judge Cedarbaum's individual practice rules for motions, therefore, the motions must be filed by November 7, 2007. Plaintiff then will have an opportunity to oppose all defense motions at once, by November 21, 2007, rather than submitting one opposition to the motion already filed by AER (the opposition deadline for that motion would have been October 16, 2007) and then file additional piecemeal oppositions to the other defense motions expected to be filed. Donovan ¶ 7. Judge Cedarbaum did not "short circuit" Plaintiff's time to oppose AER's motion, despite Plaintiff's assertion otherwise. Plaintiff ¶ 7. Instead, she actually provided him with more time to submit written papers than he otherwise would have had. Donovan ¶ 7.

Again, Plaintiff's own case belies the validity of resting his disqualification motion on such speculation. Included in the *Nichols* court's examples of conduct that did not warrant disqualification is: "[r]umor, speculation, beliefs, conclusions, innuendo, suspicion, opinion, and similar non-factual matters." 71 F.3d at 351. Plaintiff's doomed and imaginary conspiracy theory falls squarely within this category of situations that do not call for recusal.

II. THE JUDGE DID NOT DEMONSTRATE ANIMOSITY OR DISDAIN OF ANY KIND DURING THE DISCUSSION OF THE JURISDICTIONAL ISSUE FUNDAMENTAL TO PLAINTIFF'S CASE

The oral exchange between Judge Cedarbaum and Plaintiff on a fundamental question of law, namely the Court's jurisdiction, absolutely did not exhibit any animus, antagonism or disdain on the Judge's part toward Plaintiff or men in general. Plaintiff ¶¶ 5, 13, 14. On the contrary, when Plaintiff identified two lower court decisions in support of his position, Judge Cedarbaum invited him to send her those cases, thereby demonstrating her receptiveness to legal authority that supported Plaintiff's position. Donovan ¶ 8. She did this despite Plaintiff's gender.

Moreover, Plaintiff's characterization of the Judge as "repeatedly interrupt[ing] him and cut[ting him] off" is inaccurate. Plaintiff ¶ 12. Rather, it was Plaintiff who repeatedly interrupted Judge Cedarbaum, raising his voice in an effort to keep the Judge from finishing her remarks. Donovan ¶ 9. In any event, even if it occurred as Plaintiff contends, which it did not, this is not a legitimate basis for recusal either.

Again, Plaintiff relies on an inapposite case, which describes a judge's conduct during a trial. *Liteky v. United States*, 510 U.S. 540 (1994). Motion at 2. There, the United States Supreme Court explicitly held that the judge's "anti-defendant tone" and his "cutting off of testimony" did not demonstrate bias nor necessitate recusal. *Liteky*, 510 U.S. at 1157-58. Instead, the court characterized such behavior, including "ordinary admonishments" to the defense lawyers, as part of typical "judicial proceedings," and held it did not rely "upon knowledge acquired outside such proceedings nor...display[] "deep-seated and unequivocal antagonism that would render fair judgment impossible." *Id.* at 1158. Judge Cedarbaum's judicial admonishments, therefore, cannot constitute valid grounds for recusal either.

III. AN ADVERSE RULING LIKEWISE FAILS TO SUPPORT RECUSAL

Plaintiff offers an extraordinarily convoluted assertion based on Judge Cedarbaum's denial of Plaintiff's application to serve as interim class counsel and her observation that he was appearing *pro se*. But this was simply a judicial ruling that Plaintiff did not like. Regardless, Plaintiff seeks to twist this straightforward judicial ruling that the Court somehow improperly "reduce[d] a class action on behalf of thousands of men to a *pro se* case brought by a lone, individual man." Plaintiff ¶ 14. As a matter of law, Plaintiff is representing himself in this case; thus he is *pro se*. Further, no class has been certified. Thus, this is not yet a class action. Donovan ¶ 5. The Court's comments on the status of the case accurately reflect its current procedural posture. *Id.* They do not reflect Judge Cedarbaum's views on the merits of the case, despite Plaintiff's baseless assumption that these comments somehow demean the lawsuit. Plaintiff ¶¶ 9, 14. Plaintiff cannot possibly be arguing that her ruling against him is evidence of bias and warrants his motion to disqualify the Judge.

But, even if he were presenting such an absurd argument, it has been expressly rejected by the United States Supreme Court. "Not *all* unfavorable disposition towards an individual (or his case) is properly described by [the pejorative] terms [of bias and prejudice]." *Liteky*, 510 U.S. at 1155 (emphasis in original).

Additionally Plaintiff futilely tries to convert this adverse judicial ruling into a sinister effort to rob Plaintiff of his opportunity to present oral argument in opposition to the defense motions to dismiss. Plaintiff ¶¶ 9-11. Presumably this is part of his conspiracy theory that supposedly robbed him of adequate notice to argue against Defendant AER's motion.

This equally convoluted argument rests on the Judge's individual rules, which do not provide for oral argument of motions in *pro se* cases. But the Court did not definitively state she would not hold oral argument in this case, where Plaintiff is *pro se* but also is a lawyer admitted to practice in this State. Donovan ¶ 5. Before appointing class counsel, interim or otherwise,

the question of jurisdiction must be resolved to determine whether the case will continue or be dismissed. There is nothing but Plaintiff's imagination to support the assertion that she had ulterior motives in denying his application to serve as interim class counsel. *Id.*

But, as previously stated, " [r]umor, speculation, beliefs, conclusions, innuendo, suspicion, opinion, and similar non-factual matters" are insufficient to support an order recusing Judge Cedarbaum. *Nichols*, 71 F.3d at 351.

IV. THERE IS ABSOLUTELY NO EVIDENCE OF GENDER BIAS ON THE PART OF JUDGE CEDARBAUM

In determining whether there may be an appearance of impropriety, courts do not look to "what a straw poll of the only partly informed man-in-the-street would show, but by examining the record facts and the law, and then deciding whether a reasonable person knowing and understanding all the relevant facts would recuse the judge." *LoCascio v. United States*, 473 F.3d 493, 496 (2d Cir. 2007) (citing *United States v. Bayless*, 201 F.3d 116, 126-27, *cert. denied*, 529 U.S. 1061 (2000)). Given the foregoing facts, no reasonable person conceivably could conclude that Judge Cedarbaum is biased against males or that it appears she is so prejudiced.

Plaintiff's accusation that Judge Cedarbaum "was motivated by sexual bias, sexual prejudice, and partiality toward the class of men on whose behalf the male named plaintiff brought this suit" is fantasy. Plaintiff ¶ 8. Nothing was said by the Court that possibly could be construed as reflecting discriminatory animus against men. *Donovan* ¶ 10. The conference focused solely on the jurisdictional question, not the substance of whether "Ladies Nights" discriminate against men. The accusation that the Judge is sexually biased or prejudiced against men is merely self-serving speculation, which cannot support a recusal motion.

This speculation stands in stark contrast to Plaintiff's unrelenting bias against females. Perhaps Plaintiff would prefer a male judge, given his negative stereotypes of women on the

Internet, frequently referring to them as "feminazi." The attached Exhibit A includes examples of Plaintiff's invective against women. It is my understanding these "articles" appeared on the Internet. Donovan ¶ 11. These articles are entirely consistent with other diatribes by Plaintiff that have appeared on the Internet. *Id.* Furthermore, they are evidence that it is Plaintiff who is sexually biased, not Judge Cedarbaum. Indeed, the articles suggest Plaintiff is challenging Judge Cedarbaum's impartiality simply because she is female, a most inappropriate use of the judicial system.

Plaintiff's incredibly frivolous motion should be summarily dismissed. He has not produced a shred of evidence in support of his efforts to have Judge Cedarbaum recuse herself. Given the case law that Plaintiff himself cited, he knew or should have known that his motion was completely deficient. Thus, his filing the motion should be sanctioned by this Court.

CONCLUSION

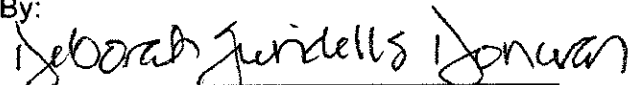
For all the foregoing reasons, Defendant Lotus respectfully requests that this Court deny Plaintiff's motion for disqualification of Judge Cedarbaum in its entirety, and award such other relief as the Court deems appropriate.

Dated: New York, New York
October 24, 2007

Respectfully submitted,

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